

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 161**  
97TH GENERAL ASSEMBLY

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Reported from the Committee on Jobs, Economic Development and Local Government, May 14, 2013, with recommendation that the Senate Committee Substitute do pass.

0804S.06C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal 34.057, 50.622, 64.170, 64.205, 67.457, 67.463, 67.469, 67.1153, 71.012, 71.014, 71.015, 71.285, 72.401, 77.030, 82.485, 84.830, 99.845, 107.170, 184.800, 184.805, 184.810, 184.815, 184.820, 184.827, 184.830, 184.835, 184.840, 184.845, 184.850, 184.865, 238.272, 321.322, and 321.690, RSMo, and section 77.030 as truly agreed to and finally passed by house bill no. 163, ninety-seventh general assembly, first regular session, and to enact in lieu thereof forty new sections relating to political subdivisions, with existing penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 34.057, 50.622, 64.170, 64.205, 67.457, 67.463, 67.469, 67.1153, 71.012, 71.014, 71.015, 71.285, 72.401, 77.030, 82.485, 84.830, 99.845, 107.170, 184.800, 184.805, 184.810, 184.815, 184.820, 184.827, 184.830, 184.835, 184.840, 184.845, 184.850, 184.865, 238.272, 321.322, and 321.690, RSMo, and section 77.030 as truly agreed to and finally passed by house bill no. 163, ninety-seventh general assembly, first regular session, are repealed and forty new sections enacted in lieu thereof, to be known as sections 29.390, 34.057, 50.622, 64.170, 67.145, 67.457, 67.463, 67.469, 67.1153, 67.1368, 71.012, 71.014, 71.015, 71.285, 72.401, 77.030, 77.675, 82.485, 84.830, 92.387, 94.1060, 99.845, 107.170, 184.800, 184.805, 184.810, 184.815, 184.820, 184.827, 184.830, 184.835, 184.840, 184.845, 184.847, 184.850, 184.865, 238.272, 321.322, 321.690, and 479.085, to read as follows:

**29.390. 1. The state auditor shall have the authority to audit any public water supply district created under chapter 247 with excess**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

3 annual revenues greater than twenty million dollars located in any  
4 county with a charter form of government and with more than three  
5 hundred thousand but fewer than four hundred fifty thousand  
6 inhabitants in the same manner as the auditor may audit any agency  
7 of the state.

8       2. Beginning August 28, 2013, the state auditor shall conduct an  
9 audit of any public water supply district located in any county with a  
10 charter form of government and with more than three hundred  
11 thousand but fewer than four hundred fifty thousand inhabitants with  
12 excess annual revenues greater than twenty million dollars. The audit  
13 shall be completed by March 15, 2014. The state auditor may request  
14 reimbursement from the public water supply district for the costs of  
15 conducting the audit. If the state auditor requests reimbursement, the  
16 public water supply district shall remit the payment to the office of the  
17 state auditor. The payment shall be credited to the petition audit  
18 revolving trust fund created in section 29.230.

34.057. 1. Unless contrary to any federal funding requirements or unless  
2 funds from a state grant are not timely received by the contracting public  
3 municipality but notwithstanding any other law to the contrary, all public works  
4 contracts made and awarded by the appropriate officer, board or agency of the  
5 state or of a political subdivision of the state or of any district therein, including  
6 any municipality, county and any board referred to as the public owner, for  
7 construction, reconstruction or alteration of any public works project, shall  
8 provide for prompt payment by the public owner to the contractor, and **any**  
9 **professional engineer, architect, landscape architect, or land surveyor,**  
10 **as well as** prompt payment by the contractor to the subcontractor and material  
11 supplier in accordance with the following:

12       (1) A public owner shall make progress payments to the contractor **and**  
13 **any professional engineer, architect, landscape architect, or land**  
14 **surveyor** on at least a monthly basis as the work progresses, or, on a lump sum  
15 basis according to the terms of the lump sum contract. Except in the case of lump  
16 sum **construction** contracts, payments shall be based upon estimates prepared  
17 at least monthly of work performed and material delivered, as determined by the  
18 project architect or engineer. Retainage withheld on **any construction**  
19 **contract or subcontract** for public works projects shall not exceed five percent  
20 of the value of the contract or subcontract [unless the public owner and the

21 architect or engineer determine that a higher rate of retainage is required to  
22 ensure performance of the contract. Retainage, however, shall not exceed ten  
23 percent of the value of the contract or subcontract. Except as provided in  
24 subsection 4 of this section,]. **If the contractor is not required to obtain a**  
25 **bond under section 107.170 because the cost of the public works**  
26 **contract is not estimated to exceed fifty thousand dollars, the public**  
27 **owner may withhold retainage on the public works project in an**  
28 **amount not to exceed ten percent of the value of the contract or**  
29 **subcontract.** The public owner shall pay the contractor the amount due, less  
30 a retainage [not to exceed ten percent], within thirty days following the latter of  
31 the following:

32 (a) The date of delivery of materials or construction services purchased;

33 (b) The date, as designated by the public owner, upon which the invoice  
34 is duly delivered to the person or place designated by the public owner; or

35 (c) In those instances in which the contractor approves the public owner's  
36 estimate, the date upon which such notice of approval is duly delivered to the  
37 person or place designated by the public owner;

38 (2) Payments shall be considered received within the context of this  
39 section when they are duly posted with the United States Postal Service or other  
40 agreed upon delivery service or when they are hand-delivered to an authorized  
41 person or place as agreed to by the contracting parties;

42 (3) If, in the discretion of the owner and the project architect or engineer  
43 and the contractor, it is determined that a subcontractor's performance has been  
44 completed and the subcontractor can be released prior to substantial completion  
45 of the public works contract without risk to the public owner, the contractor shall  
46 request such adjustment in retainage, if any, from the public owner as necessary  
47 to enable the contractor to pay the subcontractor in full. The public owner may  
48 reduce or eliminate retainage on any contract payment if, in the public owner's  
49 opinion, the work is proceeding satisfactorily. If retainage is released and there  
50 are any remaining minor items to be completed, an amount equal to [two] **one**  
51 **hundred fifty** percent of the value of each item as determined by the public  
52 owner's duly authorized [representative] **representatives** shall be withheld  
53 until such item or items are completed;

54 (4) The public owner shall pay [the] **at least ninety-eight percent of**  
55 **the** retainage, less any offsets or deductions authorized in the contract or  
56 otherwise authorized by law, to the contractor **or a subcontractor or a**

57 **supplier** after substantial completion of the contract work and acceptance by the  
58 public owner's authorized contract representative, or as may otherwise be  
59 provided by the contract specifications for state highway, road or bridge projects  
60 administered by the state highways and transportation commission. Such  
61 payment shall be made within thirty days after acceptance, and the invoice and  
62 all other appropriate documentation and certifications in complete and acceptable  
63 form are provided, as may be required by the contract documents. **If the public**  
64 **owner or the owner's representative determines the work is not**  
65 **substantially completed and accepted, then the owner or the owner's**  
66 **representative must provide a written explanation of why the work is**  
67 **not considered substantially completed and accepted within ten**  
68 **calendar days to the contractor, subcontractor, or suppliers responsible**  
69 **for such work. If such written explanation is not given, the public body**  
70 **must pay at least ninety-eight percent of the retainage within thirty**  
71 **calendar days.** If at that time there are any remaining minor items to be  
72 completed, an amount equal to [two] **one hundred fifty** percent of the value of  
73 each item as determined by the public owner's [representative] **and general**  
74 **contractor's representatives** shall be withheld until such items are completed;

75 (5) All estimates or invoices for supplies and services purchased, approved  
76 and processed, or final payments, shall be paid promptly and shall be subject to  
77 late payment charges provided in this section. Except as provided in subsection  
78 4 of this section, if the contractor has not been paid within thirty days as set  
79 forth in subdivision (1) of subsection 1 of this section, the contracting agency shall  
80 pay the contractor, in addition to the payment due him, interest at the rate of one  
81 and one-half percent per month calculated from the expiration of the thirty-day  
82 period until fully paid;

83 (6) When a contractor receives any payment, the contractor shall pay each  
84 subcontractor and material supplier in proportion to the work completed by each  
85 subcontractor and material supplier his application less any retention not to  
86 exceed [ten] **five** percent. If the contractor receives less than the full payment  
87 due under the public construction contract, the contractor shall be obligated to  
88 disburse on a pro rata basis those funds received, with the contractor,  
89 subcontractors and material suppliers each receiving a prorated portion based on  
90 the amount of payment. When, however, the public owner does not release the  
91 full payment due under the contract because there are specific areas of work or  
92 materials he is rejecting or because he has otherwise determined such areas are

93 not suitable for payment then those specific subcontractors or suppliers involved  
94 shall not be paid for that portion of the work rejected or deemed not suitable for  
95 payment; **provided the public owner or the owner's representative gives**  
96 **a written explanation to the contractor, subcontractor, or supplier**  
97 **involved as to why the work or supplies were rejected or deemed not**  
98 **suitable for payment**, and all other subcontractors and suppliers shall be paid  
99 in full;

100 (7) If the contractor, without reasonable cause, fails to make any payment  
101 to his subcontractors and material suppliers within fifteen days after receipt of  
102 payment under the public construction contract, the contractor shall pay to his  
103 subcontractors and material suppliers, in addition to the payment due them,  
104 interest in the amount of one and one-half percent per month, calculated from the  
105 expiration of the fifteen-day period until fully paid. This subdivision shall also  
106 apply to any payments made by subcontractors and material suppliers to their  
107 subcontractors and material suppliers and to all payments made to lower tier  
108 subcontractors and material suppliers throughout the contracting chain;

109 (8) The public owner shall make final payment of all moneys owed to the  
110 contractor, **including any retainage withheld under subdivision (4) of this**  
111 **section**, less any offsets or deductions authorized in the contract or otherwise  
112 authorized by law, within thirty days of the due date. Final payment shall be  
113 considered due upon the earliest of the following events:

114 (a) Completion of the project and filing with the owner of all required  
115 documentation and certifications, in complete and acceptable form, in accordance  
116 with the terms and conditions of the contract;

117 (b) The project is certified by the architect or engineer authorized to make  
118 such certification on behalf of the owner as having been completed, including the  
119 filing of all documentation and certifications required by the contract, in complete  
120 and acceptable form; or

121 (c) The project is certified by the contracting authority as having been  
122 completed, including the filing of all documentation and certifications required  
123 by the contract, in complete and acceptable form.

124 2. Nothing in this section shall prevent the contractor or subcontractor,  
125 at the time of application or certification to the public owner or contractor, from  
126 withholding such applications or certifications to the owner or contractor for  
127 payment to the subcontractor or material supplier. Amounts intended to be  
128 withheld shall not be included in such applications or certifications to the public

129 owner or contractor. Reasons for withholding such applications or certifications  
130 shall include, but not be limited to, the following: unsatisfactory job progress;  
131 defective construction work or material not remedied; disputed work; failure to  
132 comply with other material provisions of the contract; third party claims filed or  
133 reasonable evidence that a claim will be filed; failure of the subcontractor to make  
134 timely payments for labor, equipment and materials; damage to a contractor or  
135 another subcontractor or material supplier; reasonable evidence that the contract  
136 can not be completed for the unpaid balance of the subcontract sum or a  
137 reasonable amount for retention, not to exceed the initial percentage retained by  
138 the owner.

139           3. Should the contractor determine, after application or certification has  
140 been made and after payment has been received from the public owner, or after  
141 payment has been received by a contractor based upon the public owner's  
142 estimate of materials in place and work performed as provided by contract, that  
143 all or a portion of the moneys needs to be withheld from a specific subcontractor  
144 or material supplier for any of the reasons enumerated in this section, and such  
145 moneys are withheld from such subcontractor or material supplier, then such  
146 undistributed amounts shall be specifically identified in writing and deducted  
147 from the next application or certification made to the public owner or from the  
148 next estimate by the public owner of payment due the contractor, until a  
149 resolution of the matter has been achieved. Disputes shall be resolved in  
150 accordance with the terms of the contract documents. Upon such resolution the  
151 amounts withheld by the contractor from the subcontractor or material supplier  
152 shall be included in the next application or certification made to the public owner  
153 or the next estimate by the public owner and shall be paid promptly in accordance  
154 with the provisions of this section. This subsection shall also apply to  
155 applications or certifications made by subcontractors or material suppliers to the  
156 contractor and throughout the various tiers of the contracting chain.

157           4. The contracts which provide for payments to the contractor based upon  
158 the public owner's estimate of materials in place and work performed rather than  
159 applications or certifications submitted by the contractor, the public owner shall  
160 pay the contractor within thirty days following the date upon which the estimate  
161 is required by contract to be completed by the public owner, the amount due less  
162 a retainage not to exceed five percent. All such estimates by the public owner  
163 shall be paid promptly and shall be subject to late payment charges as provided  
164 in this subsection. After the thirtieth day following the date upon which the

165 estimate is required by contract to be completed by the public owner, the  
166 contracting agency shall pay the contractor, in addition to the payment due him,  
167 interest at a rate of one and one-half percent per month calculated from the  
168 expiration of the thirty-day period until fully paid.

169 **5. The public owner shall pay any professional engineer,**  
170 **architect, landscape architect, or land surveyor the amount due within**  
171 **thirty days following the receipt of an invoice prepared and submitted**  
172 **in accordance with the contract terms. In addition to the payment due,**  
173 **the contracting agency shall pay interest at the rate of one and one-half**  
174 **percent per month calculated from the expiration of the thirty-day**  
175 **period until fully paid.**

176 [5.] **6.** Nothing in this section shall prevent the owner from withholding  
177 payment or final payment from the contractor, or a subcontractor or material  
178 supplier. Reasons for withholding payment or final payment shall include, but  
179 not be limited to, the following: liquidated damages; unsatisfactory job progress;  
180 defective construction work or material not remedied; disputed work; failure to  
181 comply with any material provision of the contract; third party claims filed or  
182 reasonable evidence that a claim will be filed; failure to make timely payments  
183 for labor, equipment or materials; damage to a contractor, subcontractor or  
184 material supplier; reasonable evidence that a subcontractor or material supplier  
185 cannot be fully compensated under its contract with the contractor for the unpaid  
186 balance of the contract sum; or citation by the enforcing authority for acts of the  
187 contractor or subcontractor which do not comply with any material provision of  
188 the contract and which result in a violation of any federal, state or local law,  
189 regulation or ordinance applicable to that project causing additional costs or  
190 damages to the owner.

191 **7. Nothing in this section shall be construed to require direct**  
192 **payment by a public owner to a subcontractor or supplier, except in the**  
193 **case of the default of the contractor on the contract with the public**  
194 **owner where no performance or payment bond is required or where the**  
195 **surety fails to execute its duties under a bond.**

196 [6.] **8.** Notwithstanding any other provisions in this section to the  
197 contrary, no late payment interest shall be due and owing for payments which are  
198 withheld in good faith for reasonable cause pursuant to subsections 2 and 5 of  
199 this section. If it is determined by a court of competent jurisdiction that a  
200 payment which was withheld pursuant to subsections 2 and 5 of this section was

201 not withheld in good faith for reasonable cause, the court may impose interest at  
202 the rate of one and one-half percent per month calculated from the date of the  
203 invoice and may, in its discretion, award reasonable attorney fees to the  
204 prevailing party. In any civil action or part of a civil action brought pursuant to  
205 this section, if a court determines after a hearing for such purpose that the cause  
206 was initiated, or a defense was asserted, or a motion was filed, or any proceeding  
207 therein was done frivolously and in bad faith, the court shall require the party  
208 who initiated such cause, asserted such defense, filed such motion, or caused such  
209 proceeding to be had to pay the other party named in such action the amount of  
210 the costs attributable thereto and reasonable expenses incurred by such party,  
211 including reasonable attorney fees.

50.622. 1. Any county may amend the annual budget during any fiscal  
2 year in which the county receives additional funds, and such amount or source,  
3 including but not limited to, federal or state grants or private donations, could  
4 not be estimated when the budget was adopted. The county shall follow the same  
5 procedures as required in sections 50.525 to 50.745 for adoption of the annual  
6 budget to amend its budget during a fiscal year.

7 **2. Any county may decrease the annual budget twice during any**  
8 **fiscal year in which the county experiences a verifiable decline in**  
9 **funds of two percent or more, and such amount could not be estimated**  
10 **or anticipated when the budget was adopted, provided that any**  
11 **decrease in appropriations shall not unduly affect any one**  
12 **officeholder. Before any reduction affecting an independently elected**  
13 **officeholder can occur, negotiations shall take place with all**  
14 **officeholders who receive funds from the affected category of funds in**  
15 **an attempt to cover the shortfall. The county shall follow the same**  
16 **procedures as required in sections 50.525 to 50.745 to decrease the**  
17 **annual budget, except that the notice provided for in section 50.600**  
18 **shall be extended to thirty days for purposes of this subsection. Such**  
19 **notice shall include a published summary of the proposed reductions**  
20 **and an explanation of the shortfall.**

21 **3. Any decrease in an appropriation authorized under subsection**  
22 **2 of this section shall not impact any dedicated fund otherwise**  
23 **provided by law.**

24 **4. County commissioners may reduce budgets of departments**  
25 **under their direct supervision and responsibility at any time without**

26 **the restrictions imposed by this section.**

27 **5. Subsections 2, 3, and 4 of this section shall expire on July 1,**  
28 **2016.**

29 **6. Notwithstanding the provisions of this section, no charter**  
30 **county shall be restricted from amending its budget pursuant to the**  
31 **terms of its charter.**

64.170. 1. For the purpose of promoting the public safety, health and  
2 general welfare, to protect life and property and to prevent the construction of fire  
3 hazardous buildings, the county commission in all counties [of the first and  
4 second classification], as provided by law, is for this purpose empowered, subject  
5 to the provisions of subsections 2 and 3 of this section, to adopt by order or  
6 ordinance regulations to control the construction, reconstruction, alteration or  
7 repair of any building or structure and any electrical wiring or electrical  
8 installation, plumbing or drain laying therein, and provide for the issuance of  
9 building permits and adopt regulations licensing persons, firms or corporations  
10 other than federal, state or local governments, public utilities and their  
11 contractors engaged in the business of electrical wiring or installations and  
12 provide for the inspection thereof and establish a schedule of permit, license and  
13 inspection fees and appoint a building commission to prepare the regulations, as  
14 herein provided.

15 2. Any county which has not adopted a building code prior to August 28,  
16 2001, pursuant to sections 64.170 to 64.200, shall not have the authority to adopt  
17 a building code pursuant to such sections unless the authority is approved by  
18 voters, subject to the provisions of subsection 3 of this section. The ballot of  
19 submission for authority pursuant to this subsection shall be in substantially the  
20 following form:

21 Shall ..... (insert name of county) have authority to  
22 create, adopt and impose a county building code?

23  YES  NO

24 3. The proposal of the authority to adopt a building code shall be voted on  
25 only by voters in the area affected by the proposed code, such that a code  
26 affecting a county shall not be voted upon by citizens of any incorporated  
27 territory.

28 **4. No structure used solely for agricultural purposes in which**  
29 **the use is exclusively in connection with the production, harvesting,**  
30 **storage, drying, or raising or agricultural commodities, including the**

31 raising of livestock, shall be subject to any code adopted under this  
32 section.

67.145. No political subdivision of this state shall prohibit any  
2 first responder, as the term "first responder" is defined in section  
3 192.800, from engaging in any political activity while off duty and not  
4 in uniform, being a candidate for elected or appointed public office, or  
5 holding such office unless such political activity or candidacy is  
6 otherwise prohibited by state or federal law.

67.457. 1. To establish a neighborhood improvement district, the  
2 governing body of any city or county shall comply with either of the procedures  
3 described in subsection 2 or 3 of this section.

4 2. The governing body of any city or county proposing to create a  
5 neighborhood improvement district may by resolution submit the question of  
6 creating such district to all qualified voters residing within such district at a  
7 general or special election called for that purpose. Such resolution shall set forth  
8 the project name for the proposed improvement, the general nature of the  
9 proposed improvement, the estimated cost of such improvement, the boundaries  
10 of the proposed neighborhood improvement district to be assessed, and the  
11 proposed method or methods of assessment of real property within the district,  
12 including any provision for the annual assessment of maintenance costs of the  
13 improvement in each year during the term of the bonds issued for the original  
14 improvement and after such bonds are paid in full. The governing body of the  
15 city or county may create a neighborhood improvement district when the question  
16 of creating such district has been approved by the vote of the percentage of  
17 electors within such district voting thereon that is equal to the percentage of  
18 voter approval required for the issuance of general obligation bonds of such city  
19 or county under article VI, section 26 of the constitution of this state. The notice  
20 of election containing the question of creating a neighborhood improvement  
21 district shall contain the project name for the proposed improvement, the general  
22 nature of the proposed improvement, the estimated cost of such improvement, the  
23 boundaries of the proposed neighborhood improvement district to be assessed, the  
24 proposed method or methods of assessment of real property within the district,  
25 including any provision for the annual assessment of maintenance costs of the  
26 improvement in each year after the bonds issued for the original improvement are  
27 paid in full, and a statement that the final cost of such improvement assessed  
28 against real property within the district and the amount of general obligation

29 bonds issued therefor shall not exceed the estimated cost of such improvement,  
30 as stated in such notice, by more than twenty-five percent, and that the annual  
31 assessment for maintenance costs of the improvements shall not exceed the  
32 estimated annual maintenance cost, as stated in such notice, by more than  
33 twenty-five percent. The ballot upon which the question of creating a  
34 neighborhood improvement district is submitted to the qualified voters residing  
35 within the proposed district shall contain a question in substantially the following  
36 form:

37       Shall ..... (name of city or county) be authorized to  
38 create a neighborhood improvement district proposed for the .....  
39 (project name for the proposed improvement) and incur indebtedness and issue  
40 general obligation bonds to pay for all or part of the cost of public improvements  
41 within such district, the cost of all indebtedness so incurred to be assessed by the  
42 governing body of the ..... (city or county) on the real property  
43 benefitted by such improvements for a period of ..... years, and, if included in  
44 the resolution, an assessment in each year thereafter with the proceeds thereof  
45 used solely for maintenance of the improvement?

46       3. As an alternative to the procedure described in subsection 2 of this  
47 section, the governing body of a city or county may create a neighborhood  
48 improvement district when a proper petition has been signed by the owners of  
49 record of at least two-thirds by area of all real property located within such  
50 proposed district. Each owner of record of real property located in the proposed  
51 district is allowed one signature. Any person, corporation, or limited liability  
52 partnership owning more than one parcel of land located in such proposed district  
53 shall be allowed only one signature on such petition. The petition, in order to  
54 become effective, shall be filed with the city clerk or county clerk. A proper  
55 petition for the creation of a neighborhood improvement district shall set forth  
56 the project name for the proposed improvement, the general nature of the  
57 proposed improvement, the estimated cost of such improvement, the boundaries  
58 of the proposed neighborhood improvement district to be assessed, the proposed  
59 method or methods of assessment of real property within the district, including  
60 any provision for the annual assessment of maintenance costs of the improvement  
61 in each year during the term of the bonds issued for the original improvement  
62 and after such bonds are paid in full, a notice that the names of the signers may  
63 not be withdrawn later than seven days after the petition is filed with the city  
64 clerk or county clerk, and a notice that the final cost of such improvement

65 assessed against real property within the district and the amount of general  
66 obligation bonds issued therefor shall not exceed the estimated cost of such  
67 improvement, as stated in such petition, by more than twenty-five percent, and  
68 that the annual assessment for maintenance costs of the improvements shall not  
69 exceed the estimated annual maintenance cost, as stated in such petition, by  
70 more than twenty-five percent.

71 4. Upon receiving the requisite voter approval at an election or upon the  
72 filing of a proper petition with the city clerk or county clerk, the governing body  
73 may by resolution or ordinance determine the advisability of the improvement  
74 and may order that the district be established and that preliminary plans and  
75 specifications for the improvement be made. Such resolution or ordinance shall  
76 state and make findings as to the project name for the proposed improvement, the  
77 nature of the improvement, the estimated cost of such improvement, the  
78 boundaries of the neighborhood improvement district to be assessed, the proposed  
79 method or methods of assessment of real property within the district, including  
80 any provision for the annual assessment of maintenance costs of the improvement  
81 in each year after the bonds issued for the original improvement are paid in full,  
82 and shall also state that the final cost of such improvement assessed against the  
83 real property within the neighborhood improvement district and the amount of  
84 general obligation bonds issued therefor shall not, without a new election or  
85 petition, exceed the estimated cost of such improvement by more than twenty-five  
86 percent.

87 5. The boundaries of the proposed district shall be described by metes and  
88 bounds, streets or other sufficiently specific description. The area of the  
89 neighborhood improvement district finally determined by the governing body of  
90 the city or county to be assessed may be less than, but shall not exceed, the total  
91 area comprising such district.

92 6. In any neighborhood improvement district organized prior to August  
93 28, 1994, an assessment may be levied and collected after the original period  
94 approved for assessment of property within the district has expired, with the  
95 proceeds thereof used solely for maintenance of the improvement, if the residents  
96 of the neighborhood improvement district either vote to assess real property  
97 within the district for the maintenance costs in the manner prescribed in  
98 subsection 2 of this section or if the owners of two-thirds of the area of all real  
99 property located within the district sign a petition for such purpose in the same  
100 manner as prescribed in subsection 3 of this section.

101           **7. Prior to any assessment hereafter being levied against any**  
102 **real property within any neighborhood improvement district, and prior**  
103 **to any lien enforceable under either chapter 140 or 141 being imposed**  
104 **after August 28, 2013, against any real property within a neighborhood**  
105 **improvement district, the clerk of the governing body establishing the**  
106 **neighborhood improvement district shall cause to be recorded with the**  
107 **recorder of deeds for the county in which any portion of the**  
108 **neighborhood improvement district is located, a document conforming**  
109 **to the provisions of sections 59.310 and 59.313, and which shall contain**  
110 **at least the following information:**

111           **(1) Each owner of record of real property located within the**  
112 **neighborhood improvement district at the time of recording, who shall**  
113 **be identified in the document as grantors and indexed by the recorder**  
114 **pursuant to section 59.440;**

115           **(2) The governing body establishing the neighborhood**  
116 **improvement district and the title of any official or agency responsible**  
117 **for collecting or enforcing any assessments, who shall be identified in**  
118 **the document as grantees and so indexed by the recorder pursuant to**  
119 **section 59.440;**

120           **(3) The legal description of the property within the**  
121 **neighborhood improvement district which may either be the metes and**  
122 **bounds description authorized in subsection 5 of this section or the**  
123 **legal description of each lot or parcel within the neighborhood**  
124 **improvement district; and**

125           **(4) The identifying number of the resolution or ordinance**  
126 **creating the neighborhood improvement district, or a copy of such**  
127 **resolution or ordinance.**

67.463. 1. At the hearing to consider the proposed improvements and  
2 assessments, the governing body shall hear and pass upon all objections to the  
3 proposed improvements and proposed assessments, if any, and may amend the  
4 proposed improvements, and the plans and specifications therefor, or assessments  
5 as to any property, and thereupon by ordinance or resolution the governing body  
6 of the city or county shall order that the improvement be made and direct that  
7 financing for the cost thereof be obtained as provided in sections 67.453 to 67.475.

8           2. After construction of the improvement has been completed in  
9 accordance with the plans and specifications therefor, the governing body shall  
10 compute the final costs of the improvement and apportion the costs among the

11 property benefitted by such improvement in such equitable manner as the  
12 governing body shall determine, charging each parcel of property with its  
13 proportionate share of the costs, and by resolution or ordinance, assess the final  
14 cost of the improvement or the amount of general obligation bonds issued or to  
15 be issued therefor as special assessments against the property described in the  
16 assessment roll.

17         3. After the passage or adoption of the ordinance or resolution assessing  
18 the special assessments, the city clerk or county clerk shall mail a notice to each  
19 property owner within the district which sets forth a description of each parcel  
20 of real property to be assessed which is owned by such owner, the special  
21 assessment assigned to such property, and a statement that the property owner  
22 may pay such assessment in full, together with interest accrued thereon from the  
23 effective date of such ordinance or resolution, on or before a specified date  
24 determined by the effective date of the ordinance or resolution, or may pay such  
25 assessment in annual installments as provided in subsection 4 of this section.

26         4. The special assessments shall be assessed upon the property included  
27 therein concurrent with general property taxes, and shall be payable in  
28 substantially equal annual installments for a duration stated in the ballot  
29 measure prescribed in subsection 2 of section 67.457 or in the petition prescribed  
30 in subsection 3 of section 67.457, and, if authorized, an assessment in each year  
31 thereafter levied and collected in the same manner with the proceeds thereof used  
32 solely for maintenance of the improvement, taking into account such assessments  
33 and interest thereon, as the governing body determines. The first installment  
34 shall be payable after the first collection of general property taxes following the  
35 adoption of the assessment ordinance or resolution unless such ordinance or  
36 resolution was adopted and certified too late to permit its collection at such time.  
37 All assessments shall bear interest at such rate as the governing body  
38 determines, not to exceed the rate permitted for bonds by section  
39 108.170. Interest on the assessment between the effective date of the ordinance  
40 or resolution assessing the assessment and the date the first installment is  
41 payable shall be added to the first installment. The interest for one year on all  
42 unpaid installments shall be added to each subsequent installment until paid. In  
43 the case of a special assessment by a city, all of the installments, together with  
44 the interest accrued or to accrue thereon, may be certified by the city clerk to the  
45 county clerk in one instrument at the same time. Such certification shall be good  
46 for all of the installments, and the interest thereon payable as special

47 assessments.

48           5. Special assessments shall be collected and paid over to the city  
49 treasurer or county treasurer in the same manner as taxes of the city or county  
50 are collected and paid. In any county [of the first classification with more than  
51 one hundred thirty-five thousand four hundred but fewer than one hundred  
52 thirty-five thousand five hundred inhabitants], the county collector may collect  
53 a fee as prescribed by section 52.260 for collection of assessments under this  
54 section.

          67.469. A special assessment authorized under the provisions of sections  
2 67.453 to 67.475 shall be a lien, from the date of the assessment, on the property  
3 against which it is assessed on behalf of the city or county assessing the same to  
4 the same extent as a tax upon real property. The lien may be foreclosed in the  
5 same manner as a tax upon real property by land tax sale pursuant to chapter  
6 140 or [by judicial foreclosure proceeding], **if applicable to that county,**  
7 **chapter 141, or,** at the option of the governing body, **by judicial foreclosure**  
8 **proceeding.** Upon the foreclosure of any such lien, whether by land tax sale or  
9 by judicial foreclosure proceeding, the entire remaining assessment may become  
10 due and payable and may be recoverable in such foreclosure proceeding at the  
11 option of the governing body.

          67.1153. 1. The authority shall consist of five commissioners, who shall  
2 be qualified voters of the state of Missouri and residents of the county in which  
3 the authority is created. **Prior to August 28, 2013,** the commissioners shall be  
4 appointed by the governor with the advice and consent of the senate. **Beginning**  
5 **August 28, 2013, successor commissioners and vacancies on the**  
6 **authority occasioned by resignations, removals, or otherwise shall be**  
7 **appointed by the governing body of the county.** No more than three of the  
8 commissioners appointed shall be of any one political party, and no elective or  
9 appointed official of any political subdivision of this state shall be a member of  
10 the authority.

11           2. The authority shall elect from its number a chairman, and may appoint  
12 such officers and employees as it may require for the performance of its duties  
13 and fix and determine their qualifications, duties and compensation. No action  
14 of the authority shall be binding unless taken at a meeting at which at least  
15 three members are present and unless a majority of the members present at such  
16 meeting shall vote in favor thereof.

17           3. Of the commissioners initially appointed to the authority, one shall

18 serve for two years, one shall serve for three years, one shall serve for four years,  
 19 one shall serve for five years, and one shall serve for six years. Thereafter,  
 20 successors shall hold office for terms of five years, or for the unexpired terms of  
 21 their predecessors. Each commissioner shall hold office until his successor has  
 22 been appointed and qualified.

23 4. The commissioners shall receive no salary for the performance of their  
 24 duties, but shall be reimbursed for the actual and necessary expenses incurred  
 25 in the performance of their duties, to be paid by the authority.

**67.1368. 1. The governing body of any county of the third  
 2 classification without a township form of government and with more  
 3 than twelve thousand but fewer than fourteen thousand inhabitants  
 4 and with a city of the fourth classification with more than two  
 5 thousand seven hundred but fewer than three thousand inhabitants as  
 6 the county seat may impose a tax on the charges for all sleeping rooms  
 7 paid by the transient guests of hotels or motels situated in the county  
 8 or a portion thereof, which shall not be more than five percent per  
 9 occupied room per night, except that such tax shall not become  
 10 effective unless the governing body of the county submits to the voters  
 11 of the county at a state general or primary election a proposal to  
 12 authorize the governing body of the county to impose a tax under this  
 13 section. The tax authorized in this section shall be in addition to the  
 14 charge for the sleeping room and all other taxes imposed by law, and  
 15 the proceeds of such tax shall be used by the county for the promotion  
 16 of tourism, growth of the region, and economic development. Such tax  
 17 shall be stated separately from all other charges and taxes.**

18 2. The ballot of submission for the tax authorized in this section  
 19 shall be in substantially the following form:

20 Shall ..... (insert the name of the county) impose a tax on the  
 21 charges for all sleeping rooms paid by the transient guests of hotels  
 22 and motels situated in ..... (name of county) at a rate of .... (insert  
 23 rate of percent) percent for the promotion of the county, growth of the  
 24 region, and economic development?

25  YES  NO

26 If a majority of the votes cast on the question by the qualified voters  
 27 voting thereon are in favor of the question, then the tax shall become  
 28 effective on the first day of the second calendar quarter following the

29 **calendar quarter in which the election was held. If a majority of the**  
30 **votes cast on the question by the qualified voters voting thereon are**  
31 **opposed to the question, then the tax authorized by this section shall**  
32 **not become effective unless and until the question is resubmitted under**  
33 **this section to the qualified voters of the county and such question is**  
34 **approved by a majority of the qualified voters of the county voting on**  
35 **the question.**

36 **3. As used in this section, "transient guests" means persons who**  
37 **occupy a room or rooms in a hotel or motel for thirty-one days or less**  
38 **during any calendar quarter.**

71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860  
2 to 71.920, the governing body of any city, town or village may annex  
3 unincorporated areas which are contiguous and compact to the existing corporate  
4 limits of the city, town or village pursuant to this section. The term "contiguous  
5 and compact" does not include a situation whereby the unincorporated area  
6 proposed to be annexed is contiguous to the annexing city, town or village only  
7 by a railroad line, trail, pipeline or other strip of real property less than  
8 one-quarter mile in width within the city, town or village so that the boundaries  
9 of the city, town or village after annexation would leave unincorporated areas  
10 between the annexed area and the prior boundaries of the city, town or village  
11 connected only by such railroad line, trail, pipeline or other such strip of real  
12 property. The term "contiguous and compact" does not prohibit voluntary  
13 annexations pursuant to this section merely because such voluntary annexation  
14 would create an island of unincorporated area within the city, town or village, so  
15 long as the owners of the unincorporated island were also given the opportunity  
16 to voluntarily annex into the city, town or village. Notwithstanding the  
17 provisions of this section, the governing body of any city, town or village in any  
18 county of the third classification which borders a county of the fourth  
19 classification, a county of the second classification and **the** Mississippi River may  
20 annex areas along a road or highway up to two miles from existing boundaries of  
21 the city, town or village or the governing body in any city, town or village in any  
22 county of the third classification without a township form of government with a  
23 population of at least twenty-four thousand inhabitants but not more than thirty  
24 thousand inhabitants and such county contains a state correctional center may  
25 voluntarily annex such correctional center pursuant to the provisions of this  
26 section if the correctional center is along a road or highway within two miles from

27 the existing boundaries of the city, town or village.

28           2. (1) When a [verified] **notarized** petition, requesting annexation and  
29 signed by the owners of all fee interests of record in all tracts of real property  
30 located within the area proposed to be annexed, or a request for annexation  
31 signed under the authority of the governing body of any common interest  
32 community and approved by a majority vote of unit owners located within the  
33 area proposed to be annexed is presented to the governing body of the city, town  
34 or village, the governing body shall hold a public hearing concerning the matter  
35 not less than fourteen nor more than sixty days after the petition is received, and  
36 the hearing shall be held not less than seven days after notice of the hearing is  
37 published in a newspaper of general circulation qualified to publish legal matters  
38 and located within the boundary of the petitioned city, town or village. If no such  
39 newspaper exists within the boundary of such city, town or village, then the  
40 notice shall be published in the qualified newspaper nearest the petitioned city,  
41 town or village. For the purposes of this subdivision, the term "common-interest  
42 community" shall mean a condominium as said term is used in chapter 448, or a  
43 common-interest community, a cooperative, or a planned community.

44           (a) A "common-interest community" shall be defined as real property with  
45 respect to which a person, by virtue of such person's ownership of a unit, is  
46 obliged to pay for real property taxes, insurance premiums, maintenance or  
47 improvement of other real property described in a declaration. "Ownership of a  
48 unit" does not include a leasehold interest of less than twenty years in a unit,  
49 including renewal options;

50           (b) A "cooperative" shall be defined as a common-interest community in  
51 which the real property is owned by an association, each of whose members is  
52 entitled by virtue of such member's ownership interest in the association to  
53 exclusive possession of a unit;

54           (c) A "planned community" shall be defined as a common-interest  
55 community that is not a condominium or a cooperative. A condominium or  
56 cooperative may be part of a planned community.

57           (2) At the public hearing any interested person, corporation or political  
58 subdivision may present evidence regarding the proposed annexation.

59 If, after holding the hearing, the governing body of the city, town or village  
60 determines that the annexation is reasonable and necessary to the proper  
61 development of the city, town or village, and the city, town or village has the  
62 ability to furnish normal municipal services to the area to be annexed within a

63 reasonable time, it may, subject to the provisions of subdivision (3) of this  
64 subsection, annex the territory by ordinance without further action.

65 (3) If a written objection to the proposed annexation is filed with the  
66 governing body of the city, town or village not later than fourteen days after the  
67 public hearing by at least five percent of the qualified voters of the city, town or  
68 village, or two qualified voters of the area sought to be annexed if the same  
69 contains two qualified voters, the provisions of sections 71.015 and 71.860 to  
70 71.920, shall be followed.

71 3. If no objection is filed, the city, town or village shall extend its limits  
72 by ordinance to include such territory, specifying with accuracy the new boundary  
73 lines to which the city's, town's or village's limits are extended. Upon duly  
74 enacting such annexation ordinance, the city, town or village shall cause three  
75 certified copies of the same to be filed with the county assessor and the clerk of  
76 the county wherein the city, town or village is located, and one certified copy to  
77 be filed with the election authority, if different from the clerk of the county which  
78 has jurisdiction over the area being annexed, whereupon the annexation shall be  
79 complete and final and thereafter all courts of this state shall take judicial notice  
80 of the limits of that city, town or village as so extended.

81 **4. That a petition requesting annexation is not or was not**  
82 **verified or notarized shall not affect the validity of an annexation**  
83 **heretofore or hereafter undertaken in accordance with this section.**

84 **5. Any action of any kind seeking to deannex from any city, town,**  
85 **or village any area annexed under this section, or seeking in any way**  
86 **to reverse, invalidate, set aside, or otherwise challenge such annexation**  
87 **or oust such city, town, or village from jurisdiction over such annexed**  
88 **area shall be brought within five years of the date of adoption of the**  
89 **annexation ordinance.**

71.014. 1. Notwithstanding the provisions of section 71.015, the  
2 governing body of any city, town, or village which is located within a county  
3 which borders a county of the first classification with a charter form of  
4 government with a population in excess of six hundred fifty thousand, proceeding  
5 as otherwise authorized by law or charter, may annex unincorporated areas which  
6 are contiguous and compact to the existing corporate limits upon [verified]  
7 **notarized** petition requesting such annexation signed by the owners of all fee  
8 interests of record in all tracts located within the area to be annexed. **That a**  
9 **petition requesting annexation is not or was not verified or notarized**

10 shall not affect the validity of an annexation heretofore or hereafter  
11 undertaken in accordance with this section.

12         **2. Any action of any kind seeking to deannex from any city, town,**  
13 **or village any area annexed under this section, or seeking in any way**  
14 **to reverse, invalidate, set aside, or otherwise challenge such annexation**  
15 **or oust such city, town, or village from jurisdiction over such annexed**  
16 **area shall be brought within five years of the date of adoption of the**  
17 **annexation ordinance.**

71.015. 1. Should any city, town, or village, not located in any county of  
2 the first classification which has adopted a constitutional charter for its own local  
3 government, seek to annex an area to which objection is made, the following shall  
4 be satisfied:

5         (1) Before the governing body of any city, town, or village has adopted a  
6 resolution to annex any unincorporated area of land, such city, town, or village  
7 shall first as a condition precedent determine that the land to be annexed is  
8 contiguous to the existing city, town, or village limits and that the length of the  
9 contiguous boundary common to the existing city, town, or village limit and the  
10 proposed area to be annexed is at least fifteen percent of the length of the  
11 perimeter of the area proposed for annexation.

12         (2) The governing body of any city, town, or village shall propose an  
13 ordinance setting forth the following:

14         (a) The area to be annexed and affirmatively stating that the boundaries  
15 comply with the condition precedent referred to in subdivision (1) above;

16         (b) That such annexation is reasonable and necessary to the proper  
17 development of the city, town, or village;

18         (c) That the city has developed a plan of intent to provide services to the  
19 area proposed for annexation;

20         (d) That a public hearing shall be held prior to the adoption of the  
21 ordinance;

22         (e) When the annexation is proposed to be effective, the effective date  
23 being up to thirty-six months from the date of any election held in conjunction  
24 thereto.

25         (3) The city, town, or village shall fix a date for a public hearing on the  
26 ordinance and make a good faith effort to notify all fee owners of record within  
27 the area proposed to be annexed by certified mail, not less than thirty nor more  
28 than sixty days before the hearing, and notify all residents of the area by

29 publication of notice in a newspaper of general circulation qualified to publish  
30 legal matters in the county or counties where the proposed area is located, at  
31 least once a week for three consecutive weeks prior to the hearing, with at least  
32 one such notice being not more than twenty days and not less than ten days  
33 before the hearing.

34 (4) At the hearing referred to in subdivision (3), the city, town, or village  
35 shall present the plan of intent and evidence in support thereof to include:

36 (a) A list of major services presently provided by the city, town, or village  
37 including, but not limited to, police and fire protection, water and sewer systems,  
38 street maintenance, parks and recreation, **and** refuse collection[, etc.];

39 (b) A proposed time schedule whereby the city, town, or village plans to  
40 provide such services to the residents of the proposed area to be annexed within  
41 three years from the date the annexation is to become effective;

42 (c) The level at which the city, town, or village assesses property and the  
43 rate at which it taxes that property;

44 (d) How the city, town, or village proposes to zone the area to be annexed;

45 (e) When the proposed annexation shall become effective.

46 (5) Following the hearing, and either before or after the election held in  
47 subdivision (6) of this subsection, should the governing body of the city, town, or  
48 village vote favorably by ordinance to annex the area, the governing body of the  
49 city, town or village shall file an action in the circuit court of the county in which  
50 such unincorporated area is situated, under the provisions of chapter 527, praying  
51 for a declaratory judgment authorizing such annexation. The petition in such  
52 action shall state facts showing:

53 (a) The area to be annexed and its conformity with the condition  
54 precedent referred to in subdivision (1) of this subsection;

55 (b) That such annexation is reasonable and necessary to the proper  
56 development of the city, town, or village; and

57 (c) The ability of the city, town, or village to furnish normal municipal  
58 services of the city, town, or village to the unincorporated area within a  
59 reasonable time not to exceed three years after the annexation is to become  
60 effective. Such action shall be a class action against the inhabitants of such  
61 unincorporated area under the provisions of section 507.070.

62 (6) Except as provided in subsection 3 of this section, if the court  
63 authorizes the city, town, or village to make an annexation, the legislative body  
64 of such city, town, or village shall not have the power to extend the limits of the

65 city, town, or village by such annexation until an election is held at which the  
66 proposition for annexation is approved by a majority of the total votes cast in the  
67 city, town, or village and by a separate majority of the total votes cast in the  
68 unincorporated territory sought to be annexed. However, should less than a  
69 majority of the total votes cast in the area proposed to be annexed vote in favor  
70 of the proposal, but at least a majority of the total votes cast in the city, town, or  
71 village vote in favor of the proposal, then the proposal shall again be voted upon  
72 in not more than one hundred twenty days by both the registered voters of the  
73 city, town, or village and the registered voters of the area proposed to be annexed.  
74 If at least two-thirds of the qualified electors voting thereon are in favor of the  
75 annexation, then the city, town, or village may proceed to annex the territory. If  
76 the proposal fails to receive the necessary majority, no part of the area sought to  
77 be annexed may be the subject of another proposal to annex for a period of two  
78 years from the date of the election, except that, during the two-year period, the  
79 owners of all fee interests of record in the area or any portion of the area may  
80 petition the city, town, or village for the annexation of the land owned by them  
81 pursuant to the procedures in section 71.012. The elections shall if authorized  
82 be held, except as herein otherwise provided, in accordance with the general state  
83 law governing special elections, and the entire cost of the election or elections  
84 shall be paid by the city, town, or village proposing to annex the territory.

85 (7) Failure to comply in providing services to the said area or to zone in  
86 compliance with the plan of intent within three years after the effective date of  
87 the annexation, unless compliance is made unreasonable by an act of God, shall  
88 give rise to a cause of action for deannexation which may be filed in the circuit  
89 court by any resident of the area who was residing in the area at the time the  
90 annexation became effective.

91 (8) No city, town, or village which has filed an action under this section  
92 as this section read prior to May 13, 1980, which action is part of an annexation  
93 proceeding pending on May 13, 1980, shall be required to comply with subdivision  
94 (5) of this subsection in regard to such annexation proceeding.

95 (9) If the area proposed for annexation includes a public road or highway  
96 but does not include all of the land adjoining such road or highway, then such fee  
97 owners of record, of the lands adjoining said highway shall be permitted to  
98 intervene in the declaratory judgment action described in subdivision (5) of this  
99 subsection.

100 2. Notwithstanding any provision of subsection 1 of this section, for any

101 annexation by any city with a population of three hundred fifty thousand or more  
102 inhabitants which is located in more than one county that becomes effective after  
103 August 28, 1994, if such city has not provided water and sewer service to such  
104 annexed area within three years of the effective date of the annexation, a cause  
105 of action shall lie for deannexation, unless the failure to provide such water and  
106 sewer service to the annexed area is made unreasonable by an act of God. The  
107 cause of action for deannexation may be filed in the circuit court by any resident  
108 of the annexed area who is presently residing in the area at the time of the filing  
109 of the suit and was a resident of the annexed area at the time the annexation  
110 became effective. If the suit for deannexation is successful, the city shall be liable  
111 for all court costs and attorney fees.

112           3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this  
113 section, all cities, towns, and villages located in any county of the first  
114 classification with a charter form of government with a population of two hundred  
115 thousand or more inhabitants which adjoins a county with a population of nine  
116 hundred thousand or more inhabitants shall comply with the provisions of this  
117 subsection. If the court authorizes any city, town, or village subject to this  
118 subsection to make an annexation, the legislative body of such city, town or  
119 village shall not have the power to extend the limits of such city, town, or village  
120 by such annexation until an election is held at which the proposition for  
121 annexation is approved by a majority of the total votes cast in such city, town, or  
122 village and by a separate majority of the total votes cast in the unincorporated  
123 territory sought to be annexed; except that:

124           (1) In the case of a proposed annexation in any area which is contiguous  
125 to the existing city, town or village and which is within an area designated as  
126 flood plain by the Federal Emergency Management Agency and which is  
127 inhabited by no more than thirty registered voters and for which a final  
128 declaratory judgment has been granted prior to January 1, 1993, approving such  
129 annexation and where notarized affidavits expressing approval of the proposed  
130 annexation are obtained from a majority of the registered voters residing in the  
131 area to be annexed, the area may be annexed by an ordinance duly enacted by the  
132 governing body and no elections shall be required; and

133           (2) In the case of a proposed annexation of unincorporated territory in  
134 which no qualified electors reside, if at least a majority of the qualified electors  
135 voting on the proposition are in favor of the annexation, the city, town or village  
136 may proceed to annex the territory and no subsequent election shall be required.

137 If the proposal fails to receive the necessary separate majorities, no part of the  
138 area sought to be annexed may be the subject of any other proposal to annex for  
139 a period of two years from the date of such election, except that, during the  
140 two-year period, the owners of all fee interests of record in the area or any portion  
141 of the area may petition the city, town, or village for the annexation of the land  
142 owned by them pursuant to the procedures in section 71.012 **or 71.014**. The  
143 election shall, if authorized, be held, except as otherwise provided in this section,  
144 in accordance with the general state laws governing special elections, and the  
145 entire cost of the election or elections shall be paid by the city, town, or village  
146 proposing to annex the territory. Failure of the city, town or village to comply in  
147 providing services to the area or to zone in compliance with the plan of intent  
148 within three years after the effective date of the annexation, unless compliance  
149 is made unreasonable by an act of God, shall give rise to a cause of action for  
150 deannexation which may be filed in the circuit court by any resident of the area  
151 who was residing in such area at the time the annexation became effective or by  
152 any nonresident owner of real property in such area. **Any action of any kind**  
153 **seeking to deannex from any city, town, or village any area annexed**  
154 **under this section, or seeking in any way to reverse, invalidate, set**  
155 **aside, or otherwise challenge such annexation or oust such city, town,**  
156 **or village from jurisdiction over such annexed area shall be brought**  
157 **within five years of the date of the adoption of the annexation**  
158 **ordinance.**

71.285. 1. Whenever weeds or trash, in violation of an ordinance, are  
2 allowed to grow or accumulate, as the case may be, on any part of any lot or  
3 ground within any city, town or village in this state, the owner of the ground, or  
4 in case of joint tenancy, tenancy by entireties or tenancy in common, each owner  
5 thereof, shall be liable. The marshal or other city official as designated in such  
6 ordinance shall give a hearing after ten days' notice thereof, either personally or  
7 by United States mail to the owner or owners, or the owner's agents, or by posting  
8 such notice on the premises; thereupon, the marshal or other designated city  
9 official may declare the weeds or trash to be a nuisance and order the same to be  
10 abated within five days; and in case the weeds or trash are not removed within  
11 the five days, the marshal or other designated city official shall have the weeds  
12 or trash removed, and shall certify the costs of same to the city clerk, who shall  
13 cause a special tax bill therefor against the property to be prepared and to be  
14 collected by the collector, with other taxes assessed against the property; and the

15 tax bill from the date of its issuance shall be a first lien on the property until  
16 paid and shall be prima facie evidence of the recitals therein and of its validity,  
17 and no mere clerical error or informality in the same, or in the proceedings  
18 leading up to the issuance, shall be a defense thereto. Each special tax bill shall  
19 be issued by the city clerk and delivered to the collector on or before the first day  
20 of June of each year. Such tax bills if not paid when due shall bear interest at  
21 the rate of eight percent per annum. Notwithstanding the time limitations of this  
22 section, any city, town or village located in a county of the first classification may  
23 hold the hearing provided in this section four days after notice is sent or posted,  
24 and may order at the hearing that the weeds or trash shall be abated within five  
25 business days after the hearing and if such weeds or trash are not removed  
26 within five business days after the hearing, the order shall allow the city to  
27 immediately remove the weeds or trash pursuant to this section. Except for lands  
28 owned by a public utility, rights-of-way, and easements appurtenant or incidental  
29 to lands controlled by any railroad, the department of transportation, the  
30 department of natural resources or the department of conservation, the provisions  
31 of this subsection shall not apply to any city with a population of at least seventy  
32 thousand inhabitants which is located in a county of the first classification with  
33 a population of less than one hundred thousand inhabitants which adjoins a  
34 county with a population of less than one hundred thousand inhabitants that  
35 contains part of a city with a population of three hundred fifty thousand or more  
36 inhabitants, any city with a population of one hundred thousand or more  
37 inhabitants which is located within a county of the first classification that adjoins  
38 no other county of the first classification, or any city, town or village located  
39 within a county of the first classification with a charter form of government with  
40 a population of nine hundred thousand or more inhabitants, or any city with a  
41 population of three hundred fifty thousand or more inhabitants which is located  
42 in more than one county, or the City of St. Louis, where such city, town or village  
43 establishes its own procedures for abatement of weeds or trash, and such city may  
44 charge its costs of collecting the tax bill, including attorney fees, in the event a  
45 lawsuit is required to enforce a tax bill.

46         2. Except as provided in subsection 3 of this section, if weeds are allowed  
47 to grow, or if trash is allowed to accumulate, on the same property in violation of  
48 an ordinance more than once during the same growing season in the case of  
49 weeds, or more than once during a calendar year in the case of trash, in any city  
50 with a population of three hundred fifty thousand or more inhabitants which is

51 located in more than one county, in the City of St. Louis, in any city, town or  
52 village located in a county of the first classification with a charter form of  
53 government with a population of nine hundred thousand or more inhabitants, in  
54 any fourth class city located in a county of the first classification with a charter  
55 form of government and a population of less than three hundred thousand, or in  
56 any home rule city with more than one hundred thirteen thousand two hundred  
57 but less than one hundred thirteen thousand three hundred inhabitants located  
58 in a county with a charter form of government and with more than six hundred  
59 thousand but less than seven hundred thousand inhabitants, the marshal or other  
60 designated city official may order that the weeds or trash be abated within five  
61 business days after notice is sent to or posted on the property. In case the weeds  
62 or trash are not removed within the five days, the marshal or other designated  
63 city official may have the weeds or trash removed and the cost of the same shall  
64 be billed in the manner described in subsection 1 of this section.

65           3. If weeds are allowed to grow, or if trash is allowed to accumulate, on  
66 the same property in violation of an ordinance more than once during the same  
67 growing season in the case of weeds, or more than once during a calendar year  
68 in the case of trash, in any city with a population of three hundred fifty thousand  
69 or more inhabitants which is located in more than one county, in the City of St.  
70 Louis, in any city, town or village located in a county of the first classification  
71 with a charter form of government with a population of nine hundred thousand  
72 or more inhabitants, in any fourth class city located in a county of the first  
73 classification with a charter form of government and a population of less than  
74 three hundred thousand, in any home rule city with more than one hundred  
75 thirteen thousand two hundred but less than one hundred thirteen thousand  
76 three hundred inhabitants located in a county with a charter form of government  
77 and with more than six hundred thousand but less than seven hundred thousand  
78 inhabitants, in any third class city with a population of at least ten thousand  
79 inhabitants but less than fifteen thousand inhabitants with the greater part of  
80 the population located in a county of the first classification, in any city of the  
81 third classification with more than sixteen thousand nine hundred but less than  
82 seventeen thousand inhabitants, [or] in any city of the third classification with  
83 more than eight thousand but fewer than nine thousand inhabitants, **in any city**  
84 **of the third classification with more than fifteen thousand but fewer**  
85 **than seventeen thousand inhabitants and located in any county of the**  
86 **first classification with more than sixty-five thousand but fewer than**

87 **seventy-five thousand inhabitants, or in any city of the fourth**  
88 **classification with more than eight thousand but fewer than nine**  
89 **thousand inhabitants and located in any county of the third**  
90 **classification without a township form of government and with more**  
91 **than eighteen thousand but fewer than twenty thousand inhabitants,**  
92 the marshal or other designated official may, without further notification, have  
93 the weeds or trash removed and the cost of the same shall be billed in the manner  
94 described in subsection 1 of this section. The provisions of subsection 2 and this  
95 subsection do not apply to lands owned by a public utility and lands,  
96 rights-of-way, and easements appurtenant or incidental to lands controlled by any  
97 railroad.

98 4. The provisions of this section shall not apply to any city with a  
99 population of one hundred thousand or more inhabitants which is located within  
100 a county of the first classification that adjoins no other county of the first  
101 classification where such city establishes its own procedures for abatement of  
102 weeds or trash, and such city may charge its costs of collecting the tax bill,  
103 including attorney fees, in the event a lawsuit is required to enforce a tax bill.

72.401. 1. If a commission has been established pursuant to section  
2 72.400 in any county with a charter form of government where fifty or more cities,  
3 towns and villages have been established, any boundary change within the county  
4 shall proceed solely and exclusively in the manner provided for by sections 72.400  
5 to 72.423, notwithstanding any statutory provisions to the contrary concerning  
6 such boundary changes.

7 2. In any county with a charter form of government where fifty or more  
8 cities, towns and villages have been established, if the governing body of such  
9 county has by ordinance established a boundary commission, as provided in  
10 sections 72.400 to 72.423, then boundary changes in such county shall proceed  
11 only as provided in sections 72.400 to 72.423.

12 3. The commission shall be composed of eleven members as provided in  
13 this subsection. No member, employee or contractor of the commission shall be  
14 an elective official, employee or contractor of the county or of any political  
15 subdivision within the county or of any organization representing political  
16 subdivisions or officers or employees of political subdivisions. Each of the  
17 appointing authorities described in subdivisions (1) to (3) of this subsection shall  
18 appoint persons who shall be residents of their respective locality so  
19 described. The appointing authority making the appointments shall be:

20 (1) The chief elected officials of all municipalities wholly within the county  
21 which have a population of more than twenty thousand persons, who shall name  
22 two members to the commission as prescribed in this subsection each of whom is  
23 a resident of a municipality within the county of more than twenty thousand  
24 persons;

25 (2) The chief elected officials of all municipalities wholly within the county  
26 which have a population of twenty thousand or less but more than ten thousand  
27 persons, who shall name one member to the commission as prescribed in this  
28 subsection who is a resident of a municipality within the county with a  
29 population of twenty thousand or less but more than ten thousand persons;

30 (3) The chief elected officials of all municipalities wholly within the county  
31 which have a population of ten thousand persons or less, who shall name one  
32 member to the commission as prescribed in this subsection who is a resident of  
33 a municipality within the county with a population of ten thousand persons or  
34 less;

35 (4) An appointive body consisting of the director of the county department  
36 of planning, the president of the municipal league of the county, one additional  
37 person designated by the county executive, and one additional person named by  
38 the board of the municipal league of the county, which appointive body, acting by  
39 a majority of all of its members, shall name three members of the commission  
40 who are residents of the county; and

41 (5) The county executive of the county, who shall name four members of  
42 the commission, three of whom shall be from the unincorporated area of the  
43 county and one of whom shall be from the incorporated area of the county. The  
44 seat of a commissioner shall be automatically vacated when the commissioner  
45 changes his or her residence so as to no longer conform to the terms of the  
46 requirements of the commissioner's appointment. The commission shall promptly  
47 notify the appointing authority of such change of residence.

48 4. Upon the passage of an ordinance by the governing body of the county  
49 establishing a boundary commission, the governing body of the county shall,  
50 within ten days, send by United States mail written notice of the passage of the  
51 ordinance to the chief elected official of each municipality wholly or partly in the  
52 county.

53 5. Each of the appointing authorities described in subdivisions (1) to (4)  
54 of subsection 3 of this section shall meet within thirty days of the passage of the  
55 ordinance establishing the commission to compile its list of appointees. Each list

56 shall be delivered to the county executive within forty-one days of the passage of  
57 such ordinance. The county executive shall appoint members within forty-five  
58 days of the passage of the ordinance. If a list is not submitted by the time  
59 specified, the county executive shall appoint the members using the criteria of  
60 subsection 3 of this section before the sixtieth day from the passage of the  
61 ordinance. At the first meeting of the commission appointed after the effective  
62 date of the ordinance, the commissioners shall choose by lot the length of their  
63 terms. Three shall serve for one year, two for two years, two for three years, two  
64 for four years, and two for five years. All succeeding commissioners shall serve  
65 for five years. Terms shall end on December thirty-first of the respective year. No  
66 commissioner shall serve more than two consecutive full terms. Full terms shall  
67 include any term longer than two years.

68         6. When a member's term expires, or if a member is for any reason unable  
69 to complete his term, the respective appointing authority shall appoint such  
70 member's successor. Each appointing authority shall act to ensure that each  
71 appointee is secured accurately and in a timely manner, when a member's term  
72 expires or as soon as possible when a member is unable to complete his term. A  
73 member whose term has expired shall continue to serve until his successor is  
74 appointed and qualified.

75         7. The commission, its employees and subcontractors shall be subject to  
76 the regulation of conflicts of interest as defined in sections 105.450 to 105.498 and  
77 to the requirements for open meetings and records under chapter 610.

78         8. Notwithstanding any provisions of law to the contrary, any boundary  
79 adjustment approved by the residential property owners and the governing bodies  
80 of the affected municipalities or the county, if involved, and any voluntary  
81 annexation approved by municipal ordinance provided that the municipality owns  
82 the area to be annexed, that the area is contiguous with the municipality, and  
83 that the area is utilized only for parks and recreation purposes, shall not be  
84 subject to commission review. Such a boundary adjustment or annexation is not  
85 prohibited by the existence of an established unincorporated area.

86         **9. Any annexation of property or defined areas of properties**  
87 **approved by a majority of property owners residing thereon and by**  
88 **ordinance of any municipality that is a service provider for both the**  
89 **water and sanitary sewer within the municipality shall be effective as**  
90 **provided in the annexation ordinance and shall not be subject to**  
91 **commission review. The annexation is not prohibited by the existence**

**92 of an established unincorporated area.**

77.030. 1. Unless it elects to be governed by subsection 2 of this section,  
 2 the council shall by ordinance divide the city into not less than four wards, and  
 3 two councilmen shall be elected from each of such wards by the qualified voters  
 4 thereof at the first election for councilmen in cities hereafter adopting the  
 5 provisions of this chapter; the one receiving the highest number of votes in each  
 6 ward shall hold his office for two years, and the one receiving the next highest  
 7 number of votes shall hold his office for one year; but thereafter each ward shall  
 8 elect annually one councilman, who shall hold his office for two years.

9 2. In lieu of electing councilmen as provided in subsection 1 of this  
 10 section, the council may elect to establish wards and elect councilmen as provided  
 11 in this subsection. If the council so elects, it shall, by ordinance, divide the city  
 12 into not less than four wards, and one councilman shall be elected from each of  
 13 such wards by the qualified voters thereof at the first election for councilmen held  
 14 in the city after it adopts the provisions of this subsection. At the first election  
 15 held under this subsection the councilmen elected from the odd-numbered wards  
 16 shall be elected for a term of one year and the councilmen elected from the  
 17 even-numbered wards shall be elected for a term of two years. At each annual  
 18 election held thereafter, successors for councilmen whose terms expire in such  
 19 year shall be elected for a term of two years.

20 **3. (1) Council members may serve four-year terms if the two-**  
 21 **year terms provided under subsection 1 or 2 of this section have been**  
 22 **extended to four years by approval of a majority of the voters voting on**  
 23 **the proposal.**

24 **(2) The ballot of submission shall be in substantially the**  
 25 **following form:**

26 **Shall the terms of council members which are currently set at**  
 27 **two years in..... (city) be extended to four years for members**  
 28 **elected after August 28, 2013?**

29  **YES**  **NO**

30 **(3) If a majority of the voters voting approve the proposal**  
 31 **authorized in this subsection, the members of council who would serve**  
 32 **two years under subsections 1 and 2 of this section shall be elected to**  
 33 **four-year terms beginning with any election occurring after the**  
 34 **approval of the ballot question.**

**77.675. 1. In addition to the process for passing ordinances**

2 provided in section 77.080, the council of any city of the third  
3 classification with more than fifteen thousand but fewer than seventeen  
4 thousand inhabitants and located in any county of the first  
5 classification with more than sixty-five thousand but fewer than  
6 seventy-five thousand inhabitants may adopt or repeal any ordinance  
7 by passage of a bill that sets forth the ordinance and specifies that the  
8 ordinance so proposed shall be submitted to the registered voters of the  
9 city at the next municipal election. The bill shall be passed under the  
10 procedures in section 77.080, except that it shall take effect upon  
11 approval of a majority of the voters rather than upon the approval and  
12 signature of the mayor.

13 2. If the mayor approves the bill and signs it, the question shall  
14 be submitted to the voters in substantially the following form:

15 Shall the following ordinance be (adopted) (repealed)? (Set out  
16 ordinance.)

17  YES  NO

18 3. If a majority of the voters voting on the proposed ordinance  
19 vote in favor, such ordinance shall become a valid and binding  
20 ordinance of the city.

82.485. 1. The treasurer of any city not within a county is hereby made  
2 and constituted supervisor of parking meters.

3 2. It shall be the duty of the supervisor of parking meters to install  
4 parking meters, collect all parking meter fees, supervise the expenditures for  
5 repairs and maintenance, establish and supervise a parking [enforcement division  
6 and a parking meter] division to enforce any statute or ordinances now or  
7 hereafter established pertaining to the parking of motor vehicles, including  
8 automated zone parking and all other parking functions, and to make all  
9 disbursements on any parking contracts, including employment, consulting, legal  
10 services, capital improvement and purchase of equipment and real property which  
11 may hereafter be made by such cities, subject to audit in the manner provided by  
12 state statute.

13 3. The supervisor of parking meters shall establish and maintain a  
14 parking meter fund and any other funds therein which the supervisor of parking  
15 meters determines to be necessary, including debt service funds and capital  
16 improvement funds for purposes including, but not restricted to, the construction  
17 of off-street parking facilities and supervising and directing the financing of such

18 projects. The supervisor of parking meters of such city may issue revenue bonds  
19 and pledge parking division and other revenues and assets, including real  
20 property and future income, for the purpose of capital improvements and debt  
21 service. The parking meter fund shall be the sole depository for all parking  
22 revenue derived from parking fees, fines, penalties, administrative costs and  
23 booting or any other revenues derived from the [efforts of the employees of the  
24 supervisor of parking, including the parking meter division or parking violation  
25 enforcement] **parking** division.

26 4. The supervisor of the parking meters shall each year submit for  
27 approval to the board of aldermen, having first been reviewed by the parking  
28 commission, an operating budget projecting revenues and expenses for the fiscal  
29 year beginning July 1, 1990, and for each fiscal year thereafter. The parking  
30 commission, which shall consist of the supervisor of parking meters as  
31 chairperson, the chairperson of the aldermanic traffic committee, the director of  
32 streets, the comptroller and the director of the parking [meter] operations, shall  
33 approve parking policy as necessary to control public parking, shall set rates and  
34 fees to ensure the successful operation of the parking division, and require a  
35 detailed accounting of parking division revenues from any agent or agency, public  
36 or private, involved in the collection of parking revenues. The supervisor of  
37 parking meters shall draw upon the parking meter fund annually a portion of  
38 such fund according to the parking [meter] division's operating budget to pay any  
39 debt obligations, salaries, contracts, expenditures for repairs and maintenance,  
40 and make any capital improvements, and a portion of such fund shall at the end  
41 of each fiscal year then be transferred to the general fund of the city. The  
42 transfer to the general fund shall be no more than forty percent of the parking  
43 meter fund's net change in the fund's balance after all payments for capital  
44 improvements and debt service have been made.

84.830. 1. [No person shall solicit orally, or by letter or otherwise, or  
2 shall be in any manner concerned in soliciting, any assessment, contribution, or  
3 payment for any political purpose whatsoever from any officer or employee in the  
4 service of the police department for such cities or from members of the said police  
5 board.] No officer, agent, or employee of the police department of such cities shall  
6 permit any [such] solicitation **for political purpose** in any building or room  
7 occupied for the discharge of the official duties of the said department. [No  
8 officer or employee in the service of said police department shall directly or  
9 indirectly give, pay, lend, or contribute any part of his salary or compensation or

10 any money or other valuable thing to any person on account of, or to be applied  
11 to, the promotion of any political party, political club, or any political purpose  
12 whatever.]

13         2. No officer or employee of said department shall promote, remove, or  
14 reduce any other official or employee, or promise or threaten to do so, for  
15 withholding or refusing to make any contribution for any political party or  
16 purpose or club, or for refusal to render any political service, and shall not  
17 directly or indirectly attempt to coerce, command, or advise any other officer or  
18 employee to make any such contribution or render any such service. No officer  
19 or employee in the service of said department or member of the police board shall  
20 use his official authority or influence for the purpose of interfering with any  
21 election or any nomination for office, or affecting the result thereof. No officer or  
22 employee of such department shall [be a member or official of any committee of  
23 any political party, or be a ward committeeman or committeewoman, nor shall  
24 any such officer or employee] solicit any person to vote for or against any  
25 candidate for public office, or "poll precincts" or be connected with other political  
26 work of similar character on behalf of any political organization, party, or  
27 candidate **while on duty or while wearing the official uniform of the**  
28 **department**. All such persons shall, however, retain the right to vote as they  
29 may choose and to express their opinions on all political subjects and candidates.

30         3. No person or officer or employee of said department shall affix any sign,  
31 bumper sticker or other device to any property or vehicle under the control of said  
32 department which either supports or opposes any ballot measure or political  
33 candidate.

34         4. No question in any examination shall relate to political or religious  
35 opinions or affiliations, and no appointment, transfer, layoff, promotion,  
36 reduction, suspension, or removal shall be affected by such opinions or  
37 affiliations.

38         5. No person shall make false statement, certification, mark, rating, or  
39 report with regard to any tests, certificate, or appointment made under any  
40 provision of sections 84.350 to 84.860 or in any manner commit or attempt to  
41 commit any fraud preventing the impartial execution of this section or any  
42 provision thereof.

43         6. No person shall, directly or indirectly, give, render, pay, offer, solicit,  
44 or accept any money, service, or other valuable consideration for or on account of  
45 any appointment, proposed appointment, promotion to, or any advancement in,

46 a position in the service of the police departments of such cities.

47 7. No person shall defeat, deceive, or obstruct any person in his right to  
48 examination, eligibility, certification, appointment or promotion under sections  
49 84.350 to 84.860, or furnish to any person any such secret information for the  
50 purpose of affecting the right or prospects of any person with respect to  
51 employment in the police departments of such cities.

52 8. Any officer or any employee of the police department of such cities who  
53 shall be found by the board to have violated any of the provisions of this section  
54 shall be discharged forthwith from said service. It shall be the duty of the chief  
55 of police to prefer charges against any such offending person at once. Any  
56 member of the board or of the common council of such cities may bring suit to  
57 restrain payment of compensation to any such offending officer or employee and,  
58 as an additional remedy, any such member of the board or of the common council  
59 of such cities may also apply to the circuit court for a writ of mandamus to compel  
60 the dismissal of such offending officer or employee. Officers or employees  
61 discharged by such mandamus shall have no right of review before the police  
62 board. Any person dismissed or convicted under this section shall, for a period  
63 of five years, be ineligible for appointment to any position in the service of the  
64 police department of such cities or the municipal government of such cities. Any  
65 persons who shall willfully or through culpable negligence violate any of the  
66 provisions of this section may, upon conviction thereof, be punished by a fine of  
67 not less than fifty dollars and not exceeding five hundred dollars, or by  
68 imprisonment for a time not exceeding six months, or by both such fine and  
69 imprisonment.

**92.387. Any sale of lands under this chapter shall be subject to  
2 valid recorded covenants running with the land and valid easements of  
3 record or in use.**

**94.1060. 1. The governing body of any city of the fourth  
2 classification with more than seven hundred but fewer than eight  
3 hundred inhabitants and located in any county of the third  
4 classification without a township form of government and with more  
5 than twelve thousand but fewer than fourteen thousand inhabitants  
6 may impose a tax on the charges for all sleeping rooms paid by the  
7 transient guests of hotels or motels situated in the city or a portion  
8 thereof, which shall not be more than five percent per occupied room  
9 per night, except that such tax shall not become effective unless the**

10 governing body of the city submits to the voters of the city at a state  
11 general or primary election a proposal to authorize the governing body  
12 of the city to impose a tax under this section. The tax authorized in  
13 this section shall be in addition to the charge for the sleeping room and  
14 all other taxes imposed by law, and the proceeds of such tax shall be  
15 used by the city for the promotion of tourism, growth of the region, and  
16 economic development. Such tax shall be stated separately from all  
17 other charges and taxes.

18 2. The ballot of submission for the tax authorized in this section  
19 shall be in substantially the following form:

20 Shall ..... (insert the name of the city) impose a tax on the  
21 charges for all sleeping rooms paid by the transient guests of hotels  
22 and motels situated in ..... (name of city) at a rate of .... (insert rate  
23 of percent) percent for the promotion of the city, growth of the region,  
24 and economic development?

25  YES  NO

26 If a majority of the votes cast on the question by the qualified voters  
27 voting thereon are in favor of the question, then the tax shall become  
28 effective on the first day of the second calendar quarter following the  
29 calendar quarter in which the election was held. If a majority of the  
30 votes cast on the question by the qualified voters voting thereon are  
31 opposed to the question, then the tax authorized by this section shall  
32 not become effective unless and until the question is resubmitted under  
33 this section to the qualified voters of the city and such question is  
34 approved by a majority of the qualified voters of the city voting on the  
35 question.

36 3. As used in this section, "transient guests" means persons who  
37 occupy a room or rooms in a hotel or motel for thirty-one days or less  
38 during any calendar quarter.

99.845. 1. A municipality, either at the time a redevelopment project is  
2 approved or, in the event a municipality has undertaken acts establishing a  
3 redevelopment plan and redevelopment project and has designated a  
4 redevelopment area after the passage and approval of sections 99.800 to 99.865  
5 but prior to August 13, 1982, which acts are in conformance with the procedures  
6 of sections 99.800 to 99.865, may adopt tax increment allocation financing by  
7 passing an ordinance providing that after the total equalized assessed valuation

8 of the taxable real property in a redevelopment project exceeds the certified total  
9 initial equalized assessed valuation of the taxable real property in the  
10 redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if  
11 any, arising from the levies upon taxable real property in such redevelopment  
12 project by taxing districts and tax rates determined in the manner provided in  
13 subsection 2 of section 99.855 each year after the effective date of the ordinance  
14 until redevelopment costs have been paid shall be divided as follows:

15 (1) That portion of taxes, penalties and interest levied upon each taxable  
16 lot, block, tract, or parcel of real property which is attributable to the initial  
17 equalized assessed value of each such taxable lot, block, tract, or parcel of real  
18 property in the area selected for the redevelopment project shall be allocated to  
19 and, when collected, shall be paid by the county collector to the respective  
20 affected taxing districts in the manner required by law in the absence of the  
21 adoption of tax increment allocation financing;

22 (2) (a) Payments in lieu of taxes attributable to the increase in the  
23 current equalized assessed valuation of each taxable lot, block, tract, or parcel of  
24 real property in the area selected for the redevelopment project and any  
25 applicable penalty and interest over and above the initial equalized assessed  
26 value of each such unit of property in the area selected for the redevelopment  
27 project shall be allocated to and, when collected, shall be paid to the municipal  
28 treasurer who shall deposit such payment in lieu of taxes into a special fund  
29 called the "Special Allocation Fund" of the municipality for the purpose of paying  
30 redevelopment costs and obligations incurred in the payment thereof. Payments  
31 in lieu of taxes which are due and owing shall constitute a lien against the real  
32 estate of the redevelopment project from which they are derived and shall be  
33 collected in the same manner as the real property tax, including the assessment  
34 of penalties and interest where applicable. The municipality may, in the  
35 ordinance, pledge the funds in the special allocation fund for the payment of such  
36 costs and obligations and provide for the collection of payments in lieu of taxes,  
37 the lien of which may be foreclosed in the same manner as a special assessment  
38 lien as provided in section 88.861. No part of the current equalized assessed  
39 valuation of each lot, block, tract, or parcel of property in the area selected for the  
40 redevelopment project attributable to any increase above the total initial  
41 equalized assessed value of such properties shall be used in calculating the  
42 general state school aid formula provided for in section 163.031 until such time  
43 as all redevelopment costs have been paid as provided for in this section and

44 section 99.850;

45 (b) Notwithstanding any provisions of this section to the contrary, for  
46 purposes of determining the limitation on indebtedness of local government  
47 pursuant to article VI, section 26(b) of the Missouri Constitution, the current  
48 equalized assessed value of the property in an area selected for redevelopment  
49 attributable to the increase above the total initial equalized assessed valuation  
50 shall be included in the value of taxable tangible property as shown on the last  
51 completed assessment for state or county purposes;

52 (c) The county assessor shall include the current assessed value of all  
53 property within the taxing district in the aggregate valuation of assessed property  
54 entered upon the assessor's book and verified pursuant to section 137.245, and  
55 such value shall be utilized for the purpose of the debt limitation on local  
56 government pursuant to article VI, section 26(b) of the Missouri Constitution;

57 (3) For purposes of this section, "levies upon taxable real property in such  
58 redevelopment project by taxing districts" shall not include the blind pension fund  
59 tax levied under the authority of article III, section 38(b) of the Missouri  
60 Constitution, or the merchants' and manufacturers' inventory replacement tax  
61 levied under the authority of subsection 2 of section 6 of article X of the Missouri  
62 Constitution, except in redevelopment project areas in which tax increment  
63 financing has been adopted by ordinance pursuant to a plan approved by vote of  
64 the governing body of the municipality taken after August 13, 1982, and before  
65 January 1, 1998.

66 2. In addition to the payments in lieu of taxes described in subdivision (2)  
67 of subsection 1 of this section, for redevelopment plans and projects adopted or  
68 redevelopment projects approved by ordinance after July 12, 1990, and prior to  
69 August 31, 1991, fifty percent of the total additional revenue from taxes, penalties  
70 and interest imposed by the municipality, or other taxing districts, which are  
71 generated by economic activities within the area of the redevelopment project over  
72 the amount of such taxes generated by economic activities within the area of the  
73 redevelopment project in the calendar year prior to the adoption of the  
74 redevelopment project by ordinance, while tax increment financing remains in  
75 effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by  
76 transient guests of hotels and motels, taxes levied pursuant to section 70.500,  
77 licenses, fees or special assessments other than payments in lieu of taxes and any  
78 penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant  
79 to section 94.660, for the purpose of public transportation, shall be allocated to,

80 and paid by the local political subdivision collecting officer to the treasurer or  
81 other designated financial officer of the municipality, who shall deposit such  
82 funds in a separate segregated account within the special allocation fund. Any  
83 provision of an agreement, contract or covenant entered into prior to July 12,  
84 1990, between a municipality and any other political subdivision which provides  
85 for an appropriation of other municipal revenues to the special allocation fund  
86 shall be and remain enforceable.

87           3. In addition to the payments in lieu of taxes described in subdivision (2)  
88 of subsection 1 of this section, for redevelopment plans and projects adopted or  
89 redevelopment projects approved by ordinance after August 31, 1991, fifty percent  
90 of the total additional revenue from taxes, penalties and interest which are  
91 imposed by the municipality or other taxing districts, and which are generated  
92 by economic activities within the area of the redevelopment project over the  
93 amount of such taxes generated by economic activities within the area of the  
94 redevelopment project in the calendar year prior to the adoption of the  
95 redevelopment project by ordinance, while tax increment financing remains in  
96 effect, but excluding personal property taxes, taxes imposed on sales or charges  
97 for sleeping rooms paid by transient guests of hotels and motels, taxes levied  
98 pursuant to section 70.500, taxes levied for the purpose of public transportation  
99 pursuant to section 94.660, **taxes imposed on sales pursuant to subsection**  
100 **2 of section 67.1712 for the purpose of operating and maintaining a**  
101 **metropolitan park and recreation district**, licenses, fees or special  
102 assessments other than payments in lieu of taxes and penalties and interest  
103 thereon, [or] any sales tax imposed by a county with a charter form of  
104 government and with more than six hundred thousand but fewer than seven  
105 hundred thousand inhabitants, for the purpose of sports stadium improvement  
106 or levied by such county under section 238.410 for the purpose of the county  
107 transit authority operating transportation facilities, **or for redevelopment**  
108 **plans and projects adopted or redevelopment projects approved by**  
109 **ordinance after August 28, 2013, taxes imposed on sales pursuant to**  
110 **sections 67.700 or 650.399 for the purpose of emergency communication**  
111 **systems**, shall be allocated to, and paid by the local political subdivision  
112 collecting officer to the treasurer or other designated financial officer of the  
113 municipality, who shall deposit such funds in a separate segregated account  
114 within the special allocation fund.

115           4. Beginning January 1, 1998, for redevelopment plans and projects

116 adopted or redevelopment projects approved by ordinance and which have  
117 complied with subsections 4 to 12 of this section, in addition to the payments in  
118 lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of  
119 this section, up to fifty percent of the new state revenues, as defined in subsection  
120 8 of this section, estimated for the businesses within the project area and  
121 identified by the municipality in the application required by subsection 10 of this  
122 section, over and above the amount of such taxes reported by businesses within  
123 the project area as identified by the municipality in their application prior to the  
124 approval of the redevelopment project by ordinance, while tax increment  
125 financing remains in effect, may be available for appropriation by the general  
126 assembly as provided in subsection 10 of this section to the department of  
127 economic development supplemental tax increment financing fund, from the  
128 general revenue fund, for distribution to the treasurer or other designated  
129 financial officer of the municipality with approved plans or projects.

130         5. The treasurer or other designated financial officer of the municipality  
131 with approved plans or projects shall deposit such funds in a separate segregated  
132 account within the special allocation fund established pursuant to section 99.805.

133         6. No transfer from the general revenue fund to the Missouri  
134 supplemental tax increment financing fund shall be made unless an appropriation  
135 is made from the general revenue fund for that purpose. No municipality shall  
136 commit any state revenues prior to an appropriation being made for that  
137 project. For all redevelopment plans or projects adopted or approved after  
138 December 23, 1997, appropriations from the new state revenues shall not be  
139 distributed from the Missouri supplemental tax increment financing fund into the  
140 special allocation fund unless the municipality's redevelopment plan ensures that  
141 one hundred percent of payments in lieu of taxes and fifty percent of economic  
142 activity taxes generated by the project shall be used for eligible redevelopment  
143 project costs while tax increment financing remains in effect. This account shall  
144 be separate from the account into which payments in lieu of taxes are deposited,  
145 and separate from the account into which economic activity taxes are deposited.

146         7. In order for the redevelopment plan or project to be eligible to receive  
147 the revenue described in subsection 4 of this section, the municipality shall  
148 comply with the requirements of subsection 10 of this section prior to the time the  
149 project or plan is adopted or approved by ordinance. The director of the  
150 department of economic development and the commissioner of the office of  
151 administration may waive the requirement that the municipality's application be

152 submitted prior to the redevelopment plan's or project's adoption or the  
153 redevelopment plan's or project's approval by ordinance.

154 8. For purposes of this section, "new state revenues" means:

155 (1) The incremental increase in the general revenue portion of state sales  
156 tax revenues received pursuant to section 144.020, excluding sales taxes that are  
157 constitutionally dedicated, taxes deposited to the school district trust fund in  
158 accordance with section 144.701, sales and use taxes on motor vehicles, trailers,  
159 boats and outboard motors and future sales taxes earmarked by law. In no event  
160 shall the incremental increase include any amounts attributable to retail sales  
161 unless the municipality or authority has proven to the Missouri development  
162 finance board and the department of economic development and such entities  
163 have made a finding that the sales tax increment attributable to retail sales is  
164 from new sources which did not exist in the state during the baseline year. The  
165 incremental increase in the general revenue portion of state sales tax revenues  
166 for an existing or relocated facility shall be the amount that current state sales  
167 tax revenue exceeds the state sales tax revenue in the base year as stated in the  
168 redevelopment plan as provided in subsection 10 of this section; or

169 (2) The state income tax withheld on behalf of new employees by the  
170 employer pursuant to section 143.221 at the business located within the project  
171 as identified by the municipality. The state income tax withholding allowed by  
172 this section shall be the municipality's estimate of the amount of state income tax  
173 withheld by the employer within the redevelopment area for new employees who  
174 fill new jobs directly created by the tax increment financing project.

175 9. Subsection 4 of this section shall apply only to blighted areas located  
176 in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas  
177 located in federal empowerment zones, or to blighted areas located in central  
178 business districts or urban core areas of cities which districts or urban core areas  
179 at the time of approval of the project by ordinance, provided that the enterprise  
180 zones, federal empowerment zones or blighted areas contained one or more  
181 buildings at least fifty years old; and

182 (1) Suffered from generally declining population or property taxes over the  
183 twenty-year period immediately preceding the area's designation as a project area  
184 by ordinance; or

185 (2) Was a historic hotel located in a county of the first classification  
186 without a charter form of government with a population according to the most  
187 recent federal decennial census in excess of one hundred fifty thousand and

188 containing a portion of a city with a population according to the most recent  
189 federal decennial census in excess of three hundred fifty thousand.

190 10. The initial appropriation of up to fifty percent of the new state  
191 revenues authorized pursuant to subsections 4 and 5 of this section shall not be  
192 made to or distributed by the department of economic development to a  
193 municipality until all of the following conditions have been satisfied:

194 (1) The director of the department of economic development or his or her  
195 designee and the commissioner of the office of administration or his or her  
196 designee have approved a tax increment financing application made by the  
197 municipality for the appropriation of the new state revenues. The municipality  
198 shall include in the application the following items in addition to the items in  
199 section 99.810:

200 (a) The tax increment financing district or redevelopment area, including  
201 the businesses identified within the redevelopment area;

202 (b) The base year of state sales tax revenues or the base year of state  
203 income tax withheld on behalf of existing employees, reported by existing  
204 businesses within the project area prior to approval of the redevelopment project;

205 (c) The estimate of the incremental increase in the general revenue  
206 portion of state sales tax revenue or the estimate for the state income tax  
207 withheld by the employer on behalf of new employees expected to fill new jobs  
208 created within the redevelopment area after redevelopment;

209 (d) The official statement of any bond issue pursuant to this subsection  
210 after December 23, 1997;

211 (e) An affidavit that is signed by the developer or developers attesting  
212 that the provisions of subdivision (1) of subsection 1 of section 99.810 have been  
213 met and specifying that the redevelopment area would not be reasonably  
214 anticipated to be developed without the appropriation of the new state revenues;

215 (f) The cost-benefit analysis required by section 99.810 includes a study  
216 of the fiscal impact on the state of Missouri; and

217 (g) The statement of election between the use of the incremental increase  
218 of the general revenue portion of the state sales tax revenues or the state income  
219 tax withheld by employers on behalf of new employees who fill new jobs created  
220 in the redevelopment area;

221 (h) The name, street and mailing address, and phone number of the mayor  
222 or chief executive officer of the municipality;

223 (i) The street address of the development site;

- 224 (j) The three-digit North American Industry Classification System number  
225 or numbers characterizing the development project;
- 226 (k) The estimated development project costs;
- 227 (l) The anticipated sources of funds to pay such development project costs;
- 228 (m) Evidence of the commitments to finance such development project  
229 costs;
- 230 (n) The anticipated type and term of the sources of funds to pay such  
231 development project costs;
- 232 (o) The anticipated type and terms of the obligations to be issued;
- 233 (p) The most recent equalized assessed valuation of the property within  
234 the development project area;
- 235 (q) An estimate as to the equalized assessed valuation after the  
236 development project area is developed in accordance with a development plan;
- 237 (r) The general land uses to apply in the development area;
- 238 (s) The total number of individuals employed in the development area,  
239 broken down by full-time, part-time, and temporary positions;
- 240 (t) The total number of full-time equivalent positions in the development  
241 area;
- 242 (u) The current gross wages, state income tax withholdings, and federal  
243 income tax withholdings for individuals employed in the development area;
- 244 (v) The total number of individuals employed in this state by the  
245 corporate parent of any business benefitting from public expenditures in the  
246 development area, and all subsidiaries thereof, as of December thirty-first of the  
247 prior fiscal year, broken down by full-time, part-time, and temporary positions;
- 248 (w) The number of new jobs to be created by any business benefitting from  
249 public expenditures in the development area, broken down by full-time, part-time,  
250 and temporary positions;
- 251 (x) The average hourly wage to be paid to all current and new employees  
252 at the project site, broken down by full-time, part-time, and temporary positions;
- 253 (y) For project sites located in a metropolitan statistical area, as defined  
254 by the federal Office of Management and Budget, the average hourly wage paid  
255 to nonmanagerial employees in this state for the industries involved at the  
256 project, as established by the United States Bureau of Labor Statistics;
- 257 (z) For project sites located outside of metropolitan statistical areas, the  
258 average weekly wage paid to nonmanagerial employees in the county for  
259 industries involved at the project, as established by the United States

260 Department of Commerce;

261 (aa) A list of other community and economic benefits to result from the  
262 project;

263 (bb) A list of all development subsidies that any business benefitting from  
264 public expenditures in the development area has previously received for the  
265 project, and the name of any other granting body from which such subsidies are  
266 sought;

267 (cc) A list of all other public investments made or to be made by this state  
268 or units of local government to support infrastructure or other needs generated  
269 by the project for which the funding pursuant to this section is being sought;

270 (dd) A statement as to whether the development project may reduce  
271 employment at any other site, within or without the state, resulting from  
272 automation, merger, acquisition, corporate restructuring, relocation, or other  
273 business activity;

274 (ee) A statement as to whether or not the project involves the relocation  
275 of work from another address and if so, the number of jobs to be relocated and the  
276 address from which they are to be relocated;

277 (ff) A list of competing businesses in the county containing the  
278 development area and in each contiguous county;

279 (gg) A market study for the development area;

280 (hh) A certification by the chief officer of the applicant as to the accuracy  
281 of the development plan;

282 (2) The methodologies used in the application for determining the base  
283 year and determining the estimate of the incremental increase in the general  
284 revenue portion of the state sales tax revenues or the state income tax withheld  
285 by employers on behalf of new employees who fill new jobs created in the  
286 redevelopment area shall be approved by the director of the department of  
287 economic development or his or her designee and the commissioner of the office  
288 of administration or his or her designee. Upon approval of the application, the  
289 director of the department of economic development or his or her designee and  
290 the commissioner of the office of administration or his or her designee shall issue  
291 a certificate of approval. The department of economic development may request  
292 the appropriation following application approval;

293 (3) The appropriation shall be either a portion of the estimate of the  
294 incremental increase in the general revenue portion of state sales tax revenues  
295 in the redevelopment area or a portion of the estimate of the state income tax

296 withheld by the employer on behalf of new employees who fill new jobs created  
297 in the redevelopment area as indicated in the municipality's application,  
298 approved by the director of the department of economic development or his or her  
299 designee and the commissioner of the office of administration or his or her  
300 designee. At no time shall the annual amount of the new state revenues  
301 approved for disbursements from the Missouri supplemental tax increment  
302 financing fund exceed thirty-two million dollars;

303 (4) Redevelopment plans and projects receiving new state revenues shall  
304 have a duration of up to fifteen years, unless prior approval for a longer term is  
305 given by the director of the department of economic development or his or her  
306 designee and the commissioner of the office of administration or his or her  
307 designee; except that, in no case shall the duration exceed twenty-three years.

308 11. In addition to the areas authorized in subsection 9 of this section, the  
309 funding authorized pursuant to subsection 4 of this section shall also be available  
310 in a federally approved levee district, where construction of a levee begins after  
311 December 23, 1997, and which is contained within a county of the first  
312 classification without a charter form of government with a population between  
313 fifty thousand and one hundred thousand inhabitants which contains all or part  
314 of a city with a population in excess of four hundred thousand or more  
315 inhabitants.

316 12. There is hereby established within the state treasury a special fund  
317 to be known as the "Missouri Supplemental Tax Increment Financing Fund", to  
318 be administered by the department of economic development. The department  
319 shall annually distribute from the Missouri supplemental tax increment financing  
320 fund the amount of the new state revenues as appropriated as provided in the  
321 provisions of subsections 4 and 5 of this section if and only if the conditions of  
322 subsection 10 of this section are met. The fund shall also consist of any gifts,  
323 contributions, grants or bequests received from federal, private or other  
324 sources. Moneys in the Missouri supplemental tax increment financing fund shall  
325 be disbursed per project pursuant to state appropriations.

326 13. Redevelopment project costs may include, at the prerogative of the  
327 state, the portion of salaries and expenses of the department of economic  
328 development and the department of revenue reasonably allocable to each  
329 redevelopment project approved for disbursements from the Missouri  
330 supplemental tax increment financing fund for the ongoing administrative  
331 functions associated with such redevelopment project. Such amounts shall be

332 recovered from new state revenues deposited into the Missouri supplemental tax  
333 increment financing fund created under this section.

334 14. For redevelopment plans or projects approved by ordinance that result  
335 in net new jobs from the relocation of a national headquarters from another state  
336 to the area of the redevelopment project, the economic activity taxes and new  
337 state tax revenues shall not be based on a calculation of the incremental increase  
338 in taxes as compared to the base year or prior calendar year for such  
339 redevelopment project, rather the incremental increase shall be the amount of  
340 total taxes generated from the net new jobs brought in by the national  
341 headquarters from another state. In no event shall this subsection be construed  
342 to allow a redevelopment project to receive an appropriation in excess of up to  
343 fifty percent of the new state revenues.

107.170. 1. As used in this section, the following terms mean:

2 (1) "Contractor", a person or business entity who provides construction  
3 services under contract to a public entity. Contractor specifically does not include  
4 professional engineers, architects or land surveyors licensed pursuant to chapter  
5 327, those who provide environmental assessment services or those who design,  
6 create or otherwise provide works of art under a city's formally established  
7 program for the acquisition and installation of works of art and other aesthetic  
8 adornments to public buildings and property;

9 (2) "Public entity", any official, board, commission or agency of this state  
10 or any county, city, town, township, school, road district or other political  
11 subdivision of this state;

12 (3) "Public works", the erection, construction, alteration, repair or  
13 improvement of any building, road, street, public utility or other public facility  
14 owned by the public entity.

15 2. It is hereby made the duty of all public entities in this state, in making  
16 contracts for public works, the cost of which is estimated to exceed [twenty-five]  
17 **fifty** thousand dollars, to be performed for the public entity, to require every  
18 contractor for such work to furnish to the public entity, a bond with good and  
19 sufficient sureties, in an amount fixed by the public entity, and such bond, among  
20 other conditions, shall be conditioned for the payment of any and all materials,  
21 incorporated, consumed or used in connection with the construction of such work,  
22 and all insurance premiums, both for compensation, and for all other kinds of  
23 insurance, said work, and for all labor performed in such work whether by  
24 subcontractor or otherwise.

25           3. All bonds executed and furnished under the provisions of this section  
26 shall be deemed to contain the requirements and conditions as herein set out,  
27 regardless of whether the same be set forth in said bond, or of any terms or  
28 provisions of said bond to the contrary notwithstanding.

29           4. Nothing in this section shall be construed to require a member of the  
30 school board of any public school district of this state to independently confirm  
31 the existence or solvency of any bonding company if a contractor represents to the  
32 member that the bonding company is solvent and that the representations made  
33 in the purported bond are true and correct. This subsection shall not relieve from  
34 any liability any school board member who has any actual knowledge of the  
35 insolvency of any bonding company, or any school board member who does not act  
36 in good faith in complying with the provisions of subsection 2 of this section.

37           5. A public entity may defend, save harmless and indemnify any of its  
38 officers and employees, whether elective or appointive, against any claim or  
39 demand, whether groundless or otherwise arising out of an alleged act or  
40 omission occurring in the performance of a duty under this section. The  
41 provisions of this subsection do not apply in case of malfeasance in office or  
42 willful or wanton neglect of duty.

          184.800. Sections 184.800 to 184.880 shall be known as the "Missouri  
2 **Museum and Cultural District Act**".

          184.805. 1. As used in sections 184.800 to 184.880, the following terms  
2 mean:

3           (1) "Board", the board of directors of a district;

4           (2) "**Cultural asset**", a building or area used for the purposes of  
5 **promoting community culture and the arts, recreation and knowledge,**  
6 **including for purposes of supporting or promoting the performing arts,**  
7 **theater, music, entertainment, public spaces, public libraries, or other**  
8 **public assets;**

9           (3) "**Disaster area**", an area located within a municipality for  
10 **which public and individual assistance has been declared by the**  
11 **President under Section 401 of the Robert T. Stafford Disaster Relief**  
12 **and Emergency Assistance Act, 42 U.S.C. Section 5121, et seq., provided**  
13 **that the municipality adopts or has adopted an ordinance approving a**  
14 **redevelopment plan within three years after the President declares**  
15 **such disaster;**

16           (4) "District", a museum **and cultural** district organized pursuant to

17 sections 184.800 to 184.880;

18           [(3)] **(5)** "Museum", a building or area used for the purpose of exhibiting  
19 and/or preserving objects or specimens of interest to the public, including but not  
20 limited to **photographs**, art, **historical** items, **items** of natural history, and  
21 items connected with wildlife [and], conservation, **and historical events**;

22           [(4)] **(6)** "Owner of real property", the owner of the fee interest in the real  
23 property[, except that when the real property is subject to a lease of ten or more  
24 years, the lessee rather than the owner of the fee interest shall be considered as  
25 the "owner of real property"]. An owner may be either a natural person or a  
26 [juridical] **legal** entity.

27           2. For the purposes of sections 11(c), 16 and 22 of article X of the  
28 Constitution of Missouri, section 137.073, and as used in sections 184.800 to  
29 184.880, the following terms shall have the meanings given:

30           (1) "Approval of the required majority" [or "direct voter approval"], a  
31 simple majority;

32           (2) "Qualified voters", the owners of real property located within the  
33 proposed district [or any person residing in the district who is a legal voter  
34 within the district].

184.810. 1. A district **where the majority of the property is located**  
2 **within a disaster area** may be created to fund, promote, plan, design,  
3 construct, improve, maintain and operate one or more projects relating to [a  
4 museum] **one or more museums and cultural assets** or to assist in such  
5 activity.

6           2. A district is a political subdivision of the state.

7           3. No structures operated by a museum **and cultural** district board  
8 pursuant to sections 184.800 to 184.880 shall be named for a commercial venture.

184.815. 1. Whenever the creation of a district is desired, the owners of  
2 real property who own at least two-thirds of the real property within the proposed  
3 district may file a petition requesting the creation of a district. The petition shall  
4 be filed in the circuit court of the county in which the proposed district is  
5 located. Any petition to create a museum **and cultural** district pursuant to the  
6 provisions of sections 184.800 to 184.880 shall be filed [on or before December 31,  
7 1998] **within five years after the Presidential declaration establishing**  
8 **the disaster area**.

9           2. The proposed district area [shall be contiguous and] may contain **one**  
10 **or more parcels of real property, which may or may not be contiguous**

11 **and may further include** any portion of one or more municipalities.

12 3. The petition shall set forth:

13 (1) The name and address of each owner of real property located within  
14 the proposed district [or who is a legal voter resident within the proposed  
15 district];

16 (2) A specific description of the proposed district boundaries including a  
17 map illustrating such boundaries;

18 (3) A general description of the purpose or purposes for which the district  
19 is being formed, including a description of the proposed museum or museums **and**  
20 **cultural asset or cultural assets** and a general plan for [its] operation of  
21 **each museum and each cultural asset within the district**; and

22 (4) The name of the proposed district.

23 4. In the event any owner of real property within the proposed district  
24 who is named in the petition [or any legal voter resident within the district] shall  
25 not join in the petition or file an entry of appearance and waiver of service of  
26 process in the case, a copy of the petition shall be served upon said owner [or  
27 legal voter] in the manner provided by supreme court rule for the service of  
28 petitions generally. Any objections to the petition shall be raised by answer  
29 within the time provided by supreme court rule for the filing of an answer to a  
30 petition.

184.820. 1. Any owner of real property within the proposed district [and  
2 any legal voter who is a resident within the proposed district] may join in or file  
3 a petition supporting or answer opposing the creation of the district and seeking  
4 a judgment respecting these same issues.

5 2. The court shall hear the case without a jury. If the court determines  
6 the petition is defective or the proposed district or its plan of operation is  
7 unconstitutional, it shall enter its judgment to that effect and shall refuse to  
8 incorporate the district as requested in the pleadings. If the court determines the  
9 petition is not legally defective and the proposed district and plan of operation  
10 are not unconstitutional, the court shall determine and declare the district  
11 organized and incorporated and shall approve the plan of operation stated in the  
12 petition.

13 3. Any party having filed a petition or answer to a petition may appeal  
14 the circuit court's order or judgment in the same manner as provided for other  
15 appeals. Any order either refusing to incorporate the district or incorporating the  
16 district shall be deemed a final judgment for purposes of appeal.

184.827. A museum **and cultural** district created pursuant to sections  
2 184.800 to 184.880 shall be governed by a board of directors consisting of [eight]  
3 **five** members[. Five of the members] **who** shall be elected as provided in section  
4 184.830. [Three members of the board of directors shall be appointed by the  
5 governor with the advice and consent of the senate for a three-year term. Not  
6 more than two of the three members appointed by the governor shall be of the  
7 same political party. The governor shall appoint an interim director to complete  
8 the unexpired term of a director caused by resignation or disqualification who  
9 was appointed by the governor.]

184.830. 1. Within thirty days after the order declaring the district  
2 organized has become final, the circuit clerk of the county in which the petition  
3 was filed shall, give notice by causing publication to be made once a week for two  
4 consecutive weeks in a newspaper of general circulation in the county, the last  
5 publication of which shall be at least ten days before the day of the meeting  
6 required by this section, call a meeting of the owners of real property within the  
7 district at a day and hour specified in a public place in the county in which the  
8 petition was filed for the purpose of electing a board of five directors, to be  
9 composed of owners or representatives of owners of real property in the district.

10 2. The owners of real property, when assembled, shall organize by the  
11 election of a chairman and secretary of the meeting who shall conduct the  
12 election. At the election, each acre of real property within the district shall be  
13 considered as a voting interest, and each owner of real property shall have one  
14 vote in person or by proxy for every acre of real property owned within the  
15 district for each director to be elected. A director need not be a legal voter of the  
16 district.

17 3. Each director shall serve for a term of three years and until his **or her**  
18 successor is duly elected and qualified. Successor directors shall be elected in the  
19 same manner as the initial directors at a meeting of the owners of real property  
20 called by the board. Each successor director shall serve a three-year term. The  
21 remaining directors shall have the authority to elect an interim director to  
22 complete any unexpired term of a director caused by resignation or  
23 disqualification.

24 4. Directors shall be at least twenty-one years of age.

184.835. 1. The board shall possess and exercise all of the district's  
2 legislative and executive powers.

3 2. Within thirty days after the election of the initial directors, the board

4 shall meet. At its first meeting and after each election of new board members the  
5 board shall elect a chairman, a secretary, a treasurer and such other officers as  
6 it deems necessary from its members. A director may fill more than one office,  
7 except that a director may not fill both the office of chairman and secretary.

8         3. [The board may employ such employees as it deems necessary;  
9 provided, however, that the board shall not employ any employee who is related  
10 within the fourth degree by blood or marriage to a member of the board.

11         4.] At the first meeting, the board, by resolution, shall define the first and  
12 subsequent fiscal years of the district, and shall adopt a corporate seal.

13         [5.] 4. A simple majority of the board shall constitute a quorum. If a  
14 quorum exists, a **simple** majority of those voting shall have the authority to act  
15 in the name of the board, and approve any board resolution.

16         [6.] 5. Each director shall devote such time to the duties of the office as  
17 the faithful discharge thereof may require and may be reimbursed for his or her  
18 actual expenditures in the performance of his or her duties on behalf of the  
19 district.

184.840. 1. A district may receive and use funds for the purposes of  
2 planning, designing, constructing, reconstructing, maintaining and operating [a  
3 museum] **one or more museums and cultural assets**, conducting educational  
4 programs in connection therewith [for any public purpose] which is reasonably  
5 connected with the museum **or cultural asset**, and for any other purposes  
6 authorized by sections 184.840 to 184.880. Such funds may be derived from any  
7 funding method which is authorized by sections 184.800 to 184.880 and from any  
8 other source, including but not limited to funds from federal sources, the state of  
9 Missouri or an agency thereof, a political subdivision of the state or private  
10 sources.

11         2. The general assembly may annually for a period of twenty years after  
12 [July 7, 1997] **January 1, 2013**, make appropriations from general revenue to  
13 a district which is created pursuant to the provisions of sections 184.800 to  
14 184.880.

184.845. 1. The board of the district may impose a museum **and cultural**  
2 district sales tax by resolution on all retail sales made in such museum **and**  
3 **cultural** district which are subject to taxation pursuant to the provisions of  
4 sections 144.010 to 144.525. Such museum **and cultural** district sales tax may  
5 be imposed for any museum **or cultural** purpose designated by the board of the  
6 museum **and cultural** district. If the resolution is adopted the board of the

7 district may submit the question of whether to impose a sales tax authorized by  
8 this section to [either the legal voters of the district and/or to the owners of real  
9 property within the district] **the qualified voters**, who shall have the same  
10 voting interests as with the election of members of the board of the district.

11 2. The sales tax authorized by this section shall become effective on the  
12 first day of the second calendar quarter following adoption of the tax by the  
13 **board or qualified voters, if the board elects to submit the question of**  
14 **whether to impose a sales tax to the** qualified voters.

15 3. In each museum **and cultural** district in which a sales tax has been  
16 imposed in the manner provided by this section, every retailer shall add the tax  
17 imposed by the museum **and cultural** district pursuant to this section to the  
18 retailer's sale price, and when so added such tax shall constitute a part of the  
19 price, shall be a debt of the purchaser to the retailer until paid, and shall be  
20 recoverable at law in the same manner as the purchase price.

21 4. In order to permit sellers required to collect and report the sales tax  
22 authorized by this section to collect the amount required to be reported and  
23 remitted, but not to change the requirements of reporting or remitting tax or to  
24 serve as a levy of the tax, and in order to avoid fractions of pennies, the museum  
25 **and cultural** district may establish appropriate brackets which shall be used in  
26 the district imposing a tax pursuant to this section in lieu of those brackets  
27 provided in section [144.825] **144.285**.

28 5. All revenue received by a museum **and cultural** district from the tax  
29 authorized by this section which has been designated for a certain museum **or**  
30 **cultural** purpose shall be deposited in a special trust fund and shall be used  
31 solely for such designated purpose. All funds remaining in the special trust fund  
32 shall continue to be used solely for such designated museum **or cultural**  
33 purpose. Any funds in such special trust fund which are not needed for current  
34 expenditures may be invested by the board of directors in accordance with  
35 applicable laws relating to the investment of other museum **or cultural** district  
36 funds.

37 6. The sales tax may be imposed at a rate of one-half of one percent,  
38 three-fourths of one percent or one percent on the receipts from the sale at retail  
39 of all tangible personal property or taxable services at retail within the museum  
40 **and cultural** district adopting such tax, if such property and services are subject  
41 to taxation by the state of Missouri pursuant to the provisions of sections 144.010  
42 to 144.525. Any museum **and cultural** district sales tax imposed pursuant to

43 this section shall be imposed at a rate that shall be uniform throughout the  
44 district.

45           7. On and after the effective date of any tax imposed pursuant to this  
46 section, the museum **and cultural** district shall perform all functions incident  
47 to the administration, collection, enforcement, and operation of the tax. The tax  
48 imposed pursuant to this section shall be collected and reported upon such forms  
49 and under such administrative rules and regulations as may be prescribed by the  
50 museum **and cultural** district.

51           8. All applicable provisions contained in sections 144.010 to 144.525  
52 governing the state sales tax, sections 32.085 and 32.087, and section 32.057, the  
53 uniform confidentiality provision, shall apply to the collection of the tax imposed  
54 by this section, except as modified in this section.

55           9. All exemptions granted to agencies of government, organizations,  
56 persons and to the sale of certain articles and items of tangible personal property  
57 and taxable services pursuant to the provisions of sections 144.010 to 144.525 are  
58 hereby made applicable to the imposition and collection of the tax imposed by this  
59 section.

60           10. The same sales tax permit, exemption certificate and retail certificate  
61 required by sections 144.010 to 144.525 for the administration and collection of  
62 the state sales tax shall satisfy the requirements of this section, and no  
63 additional permit or exemption certificate or retail certificate shall be required;  
64 except that the museum **and cultural** district may prescribe a form of exemption  
65 certificate for an exemption from the tax imposed by this section.

66           11. The penalties provided in section 32.057 and sections 144.010 to  
67 144.525 for violation of those sections are hereby made applicable to violations  
68 of this section.

69           12. For the purpose of a sales tax imposed by a resolution pursuant to this  
70 section, all retail sales except retail sales of motor vehicles shall be deemed to be  
71 consummated at the place of business of the retailer unless the tangible personal  
72 property sold is delivered by the retailer or the retailer's agent to an out-of-state  
73 destination or to a common carrier for delivery to an out-of-state destination. In  
74 the event a retailer has more than one place of business in this state which  
75 participates in the sale, the sale shall be deemed to be consummated at the place  
76 of business of the retailer where the initial order for the tangible personal  
77 property is taken, even though the order shall be forwarded elsewhere for  
78 acceptance, approval of credit, shipment or billing. A sale by a retailer's

79 employee shall be deemed to be consummated at the place of business from which  
80 the employee works.

81 13. All sales taxes collected by the museum **and cultural** district shall  
82 be deposited by the museum **and cultural** district in a special fund to be  
83 expended for the purposes authorized in this section. The museum **and cultural**  
84 district shall keep accurate records of the amount of money which was collected  
85 pursuant to this section, and the records shall be open to the inspection by the  
86 officers and directors of each museum **and cultural** district and the Missouri  
87 department of revenue. Tax returns filed by businesses within the district shall  
88 otherwise be considered as confidential in the same manner as sales tax returns  
89 filed with the Missouri department of revenue.

90 14. No museum **and cultural** district imposing a sales tax pursuant to  
91 this section may repeal or amend such sales tax unless such repeal or amendment  
92 will not impair the district's ability to repay any liabilities which it has incurred,  
93 money which it has borrowed or revenue bonds, notes or other obligations which  
94 it has issued or which have been issued to finance any project or projects.

184.847. 1. **The board of a district may impose an admissions fee**  
2 **on every person, firm, association, company, or partnership of whatever**  
3 **form offering or managing any form of entertainment, amusement,**  
4 **athletic, or other commercial or nonprofit event or venue for which**  
5 **admission is charged and which is presented within the district. The**  
6 **fee shall be at a rate of no more than one dollar per seat or admission**  
7 **sold. This fee is in addition to any state or local tax. Such admission**  
8 **fee may be imposed for any museum and cultural purpose designated**  
9 **by the board of the museum and cultural district. If the resolution is**  
10 **adopted, the board of the district may submit the question of whether**  
11 **to impose such admission fee authorized by this section to the qualified**  
12 **voters, who shall have the same voting interests as with the election of**  
13 **members of the board of the district. The question shall specify the**  
14 **particular types of events or venues that shall be subject to such**  
15 **admission fee.**

16 2. **The admission fee authorized by this section shall become**  
17 **effective on the first day of the second calendar quarter following the**  
18 **adoption of the admission fee by the qualified voters.**

19 3. **All revenue received by a museum and cultural district from**  
20 **the admission fee authorized by this section shall be deposited in a**

21 **special trust fund and shall be used solely for such designated**  
22 **purpose. All funds remaining in the special trust fund shall continue**  
23 **to be used solely for such designated museum or cultural purpose. Any**  
24 **funds in such special trust fund which are not needed for current**  
25 **expenditures may be invested by the board of directors in accordance**  
26 **with applicable laws relating to the investment of other museum and**  
27 **cultural district funds.**

28 **4. On and after the effective date of any admission fee imposed**  
29 **pursuant to this section, the museum and cultural district shall perform**  
30 **all functions incident to the administration, collection, enforcement,**  
31 **and operation of the admission fee. The admission fee imposed**  
32 **pursuant to this section shall be collected and reported upon such**  
33 **forms and under such administrative rules and regulations as may be**  
34 **prescribed by the museum and cultural district.**

184.850. 1. A district may contract and incur obligations appropriate to  
2 accomplish its purposes.

3 2. A district may enter into any lease or lease-purchase agreement for or  
4 with respect to any real or personal property necessary or convenient for its  
5 purposes.

6 3. A district may enter into operating agreements and/or management  
7 agreements [with not-for-profit corporations] to operate [the] **a museum or**  
8 **cultural asset** or carry out any other authorized purposes or functions of the  
9 district.

10 4. A district may borrow money for its purposes at such rates of interest  
11 as the district may determine.

12 5. A district may issue bonds, notes and other obligations, and may secure  
13 any of such obligations by mortgage, pledge, assignment, security agreement or  
14 deed of trust of any or all of the property and income of the district, subject to the  
15 restrictions provided in sections 184.800 to 184.880. The district shall also have  
16 the power and authority to secure financing on the issuance of bonds for financing  
17 through another political subdivision or an agency of the state.

18 6. A district may enter into labor agreements, establish all bid conditions,  
19 decide all contract awards, pay all contractors and generally supervise the  
20 construction of [the] **a museum or cultural asset** project.

21 **7. A district may hire employees, enter leases and contracts, and**  
22 **otherwise take such actions and enter into such agreements as are**

23 **necessary or incidental to the ownership, operation, and maintenance**  
24 **of each museum and each cultural asset within the district.**

184.865. The district may contract with a federal agency, a state or its  
2 agencies and political subdivisions, a corporation, partnership **or limited**  
3 **partnership, limited liability company**, or individual regarding funding,  
4 promotion, planning, designing, constructing, improving, maintaining, or  
5 operating [a project] **any museum or cultural asset within the district** or  
6 to assist in such activity[]; provided, however, that any contract providing for the  
7 overall management and operation of the museum for the district shall only be  
8 with a governmental entity or a not-for-profit corporation].

238.272. The state auditor [shall] **may** audit each district not [less] **more**  
2 than once every three years[, and may audit more frequently if the state auditor  
3 deems appropriate]. The costs of this audit shall be paid by the district **and**  
4 **shall not exceed three percent of the gross revenues received by the**  
5 **transportation district.**

321.322. 1. If any property located within the boundaries of a fire  
2 protection district shall be included within a city having a population of at least  
3 two thousand five hundred but not more than sixty-five thousand which is not  
4 wholly within the fire protection district and which maintains a city fire  
5 department, then upon the date of actual inclusion of the property within the city,  
6 as determined by the annexation process, the city shall within sixty days assume  
7 by contract with the fire protection district all responsibility for payment in a  
8 lump sum or in installments an amount mutually agreed upon by the fire  
9 protection district and the city for the city to cover all obligations of the fire  
10 protection district to the area included within the city, and thereupon the fire  
11 protection district shall convey to the city the title, free and clear of all liens or  
12 encumbrances of any kind or nature, any such tangible real and personal property  
13 of the fire protection district as may be agreed upon, which is located within the  
14 part of the fire protection district located within the corporate limits of the city  
15 with full power in the city to use and dispose of such tangible real and personal  
16 property as the city deems best in the public interest, and the fire protection  
17 district shall no longer levy and collect any tax upon the property included within  
18 the corporate limits of the city; except that, if the city and the fire protection  
19 district cannot mutually agree to such an arrangement, then the city shall  
20 assume responsibility for fire protection in the annexed area on or before January  
21 first of the third calendar year following the actual inclusion of the property

22 within the city, as determined by the annexation process, and furthermore the  
23 fire protection district shall not levy and collect any tax upon that property  
24 included within the corporate limits of the city after the date of inclusion of that  
25 property:

26 (1) On or before January first of the second calendar year occurring after  
27 the date on which the property was included within the city, the city shall pay to  
28 the fire protection district a fee equal to the amount of revenue which would have  
29 been generated during the previous calendar year by the fire protection district  
30 tax on the property in the area annexed which was formerly a part of the fire  
31 protection district;

32 (2) On or before January first of the third calendar year occurring after  
33 the date on which the property was included within the city, the city shall pay to  
34 the fire protection district a fee equal to four-fifths of the amount of revenue  
35 which would have been generated during the previous calendar year by the fire  
36 protection district tax on the property in the area annexed which was formerly  
37 a part of the fire protection district;

38 (3) On or before January first of the fourth calendar year occurring after  
39 the date on which the property was included within the city, the city shall pay to  
40 the fire protection district a fee equal to three-fifths of the amount of revenue  
41 which would have been generated during the previous calendar year by the fire  
42 protection district tax on the property in the area annexed which was formerly  
43 a part of the fire protection district;

44 (4) On or before January first of the fifth calendar year occurring after the  
45 date on which the property was included within the city, the city shall pay to the  
46 fire protection district a fee equal to two-fifths of the amount of revenue which  
47 would have been generated during the previous calendar year by the fire  
48 protection district tax on the property in the area annexed which was formerly  
49 a part of the fire protection district; and

50 (5) On or before January first of the sixth calendar year occurring after  
51 the date on which the property was included within the city, the city shall pay to  
52 the fire protection district a fee equal to one-fifth of the amount of revenue which  
53 would have been generated during the previous calendar year by the fire  
54 protection district tax on the property in the area annexed which was formerly  
55 a part of the fire protection district.

56 Nothing contained in this section shall prohibit the ability of a city to negotiate  
57 contracts with a fire protection district for mutually agreeable services. This

58 section shall also apply to those fire protection districts and cities which have not  
59 reached agreement on overlapping boundaries previous to August 28, 1990. Such  
60 fire protection districts and cities shall be treated as though inclusion of the  
61 annexed area took place on December thirty-first immediately following August  
62 28, 1990.

63 2. Any property excluded from a fire protection district by reason of  
64 subsection 1 of this section shall be subject to the provisions of section 321.330.

65 3. The provisions of this section shall not apply in any county of the first  
66 class having a charter form of government and having a population of over nine  
67 hundred thousand inhabitants.

68 4. The provisions of this section shall not apply where the annexing city  
69 or town operates a city fire department and was on January 1, 2005, a city of the  
70 fourth classification with more than eight thousand nine hundred but fewer than  
71 nine thousand inhabitants and entirely surrounded by a single fire district. In  
72 such cases, the provision of fire and emergency medical services following  
73 annexation shall be governed by subsections 2 and 3 of section 72.418.

74 **5. The provisions of this section shall not apply where the**  
75 **annexing city or town operates a city fire department, is any city of the**  
76 **third classification with more than six thousand but fewer than seven**  
77 **thousand inhabitants and located in any county with a charter form of**  
78 **government and with more than two hundred thousand but fewer than**  
79 **three hundred fifty thousand inhabitants, and is entirely surrounded**  
80 **by a single fire protection district. In such cases, the provision of fire**  
81 **and emergency medical services following annexation shall be governed**  
82 **by subsections 2 and 3 of section 72.418.**

321.690. 1. In counties of the first classification having a charter form of  
2 government and having more than nine hundred thousand inhabitants [and in  
3 counties of the first classification which contain a city with a population of one  
4 hundred thousand or more inhabitants which adjoins no other county of the first  
5 classification], the governing body of each fire protection district shall cause an  
6 audit to be performed consistent with rules and regulations promulgated by the  
7 state auditor.

8 2. (1) All such districts shall cause an audit to be performed  
9 biennially. Each such audit shall cover the period of the two previous fiscal  
10 years.

11 (2) Any fire protection district with less than fifty thousand dollars in

12 annual revenues may, with the approval of the state auditor, be exempted from  
13 the audit requirement of this section if it files appropriate reports on its affairs  
14 with the state auditor within five months after the close of each fiscal year and  
15 if these reports comply with the provisions of section 105.145. These reports shall  
16 be reviewed, approved and signed by a majority of the members of the governing  
17 body of the fire protection district seeking exemption.

18 3. Copies of each audit report must be completed and submitted to the fire  
19 protection district and the state auditor within six months after the close of the  
20 audit period. One copy of the audit report and accompanying comments shall be  
21 maintained by the governing body of the fire protection district for public  
22 inspection at reasonable times in the principal office of the district. The state  
23 auditor shall also maintain a copy of the audit report and comment. If any audit  
24 report fails to comply with the rules promulgated by the state auditor, that  
25 official shall notify the fire protection district and specify the defects. If the  
26 defects specified are not corrected within ninety days from the date of the state  
27 auditor's notice to the district, or if a copy of the required audit report and  
28 accompanying comments have not been received by the state auditor within six  
29 months after the end of the audit period, the state auditor shall make, or cause  
30 to be made, the required audit at the expense of the fire protection district.

31 4. The provisions of this section shall not apply to any fire protection  
32 district based and substantially located in a county of the third classification with  
33 a population of at least thirty-one thousand five hundred but not greater than  
34 thirty-three thousand.

**479.085. Any home rule city with more than one hundred fifty-  
2 five thousand but fewer than two hundred thousand inhabitants which  
3 owns and operates a municipal court building is authorized to impose  
4 a surcharge of ten dollars on all municipal code violations for the  
5 purpose of funding the construction, remodel, repair, and maintenance  
6 of the municipal court building. The provisions of this section shall  
7 automatically expire on December 31, 2033, unless reauthorized by an  
8 act of the general assembly.**

[64.205. Sections 64.170 to 64.200 shall apply to all  
2 counties of the first and second class.]

[77.030. 1. Unless it elects to be governed by subsection 2  
2 of this section, the council shall by ordinance divide the city into  
3 not less than four wards, and two councilmen shall be elected from

4 each of such wards by the qualified voters thereof at the first  
5 election for councilmen in cities hereafter adopting the provisions  
6 of this chapter; the one receiving the highest number of votes in  
7 each ward shall hold his office for two years, and the one receiving  
8 the next highest number of votes shall hold his office for one year;  
9 but thereafter each ward shall elect annually one councilman, who  
10 shall hold his office for two years.

11 2. In lieu of electing councilmen as provided in subsection  
12 1 of this section, the council may elect to establish wards and elect  
13 councilmen as provided in this subsection. If the council so elects,  
14 it shall, by ordinance, divide the city into not less than four wards,  
15 and one councilman shall be elected from each of such wards by the  
16 qualified voters thereof at the first election for councilmen held in  
17 the city after it adopts the provisions of this subsection. At the  
18 first election held under this subsection the councilmen elected  
19 from the odd-numbered wards shall be elected for a term of one  
20 year and the councilmen elected from the even-numbered wards  
21 shall be elected for a term of two years. At each annual election  
22 held thereafter, successors for councilmen whose terms expire in  
23 such year shall be elected for a term of two years.

24 **3. (1) Council members may serve four-year terms**  
25 **if the two-year terms provided under subsection 1 or 2 of**  
26 **this section have been extended to four years by ordinance**  
27 **or by approval of a majority of the voters voting on the**  
28 **proposal.**

29 **(2) The ballot of submission shall be in substantially**  
30 **the following form:**

31 **Shall the terms of council members which are**  
32 **currently set at two years in..... (city) be**  
33 **extended to four years for members elected after August**  
34 **28, 2013?**

35  **YES**  **NO**

36 **(3) If an ordinance is passed or a majority of the**  
37 **voters voting approve the proposal authorized in this**  
38 **subsection, the members of council who would serve two**  
39 **years under subsections 1 and 2 of this section shall be**

40           **elected to four-year terms beginning with any election**  
41           **occurring after the adoption of the ordinance or approval**  
42           **of the ballot question.]**

✓

Unofficial

Bill

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